



## REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, January 10, 2012, 6:00 p.m.  
City Council Chambers  
630 E. Hopkins Street

*Bill Taylor, Chair*  
*Bucky Couch, Vice-Chair*  
*Randy Bryan, Commissioner*  
*Curtis O. Seebeck, Commissioner*  
*Chris Wood, Commissioner*  
*Travis Kelsey, Commissioner*  
*Kenneth Ehlers, Commissioner*  
*Carter Morris, Commissioner*  
*Corey Carothers, Commissioner*  
*Brooks Andrews, Texas State University Student Liaison*

### AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Election of Officers:**
  - a. **Chair**
  - b. **Vice-Chair**
4. **Chairperson's Opening Remarks.**
5. ***NOTE:*** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
6. **30 Minute Citizen Comment Period.**

### Public Hearing

7. **CUP-11-20 (Root Cellar)** Hold a public hearing and consider a request by Kyle Mylius on behalf of Root Cellar Café, for a renewal of a Restricted Conditional Use Permit to allow the on-premise consumption of mixed beverages, beer, and wine as well as an amendment to allow a roped-in patio for a restaurant located at 215 N. LBJ Drive.
8. **LUA-11-30 (River City Mixed Use - 430 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.309 acre on Lot 9C out of the A.G. Coers Subdivision located at 430 W. Holland Street.
9. **ZC-11-44 (River City Mixed Use – 430 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Zoning Change from Low Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.309 acre on Lot 9C out of the A.G. Coers Subdivision located at 430 W. Holland Street.

- 10. LUA-11-31 (River City Mixed Use – 442 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.232 acres on part of Lot 7 out of the A.G. Coers Subdivision, located at 442 W. Holland Street.
- 11. ZC-11-45 (River City Mixed Use – 442 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of River City Loans, Inc., for a Zoning Change from Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.232 acres on part of Lot 7 out of the A.G. Coers Subdivision, located at 442 W. Holland Street.
- 12. LUA-11-32 (River City Mixed Use- 448 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of Fry Ventures, LLC, for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for one lot totaling approximately 0.243 acres on part of Lot 6A out of the A.G. Coers Subdivision, located at 448 W. Holland Street.
- 13. ZC-11-46 (River City Mixed Use – 448 W. Holland)** Hold a public hearing and consider a request by Vincent Gerard & Associates, on behalf of Fry Ventures, LLC, for a Zoning Change from Single-Family Residential – 6 (SF-6) to Vertical Mixed Use (VMU) for one lot totaling approximately 0.243 acres on part of Lot 6A out of the A.G. Coers Subdivision, located at 448 W. Holland Street.

**Consideration:**

- 14. LUA-11-24 (Casey Development (North Campus Housing) –** Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Land Use Amendment from Low Density Residential (LDR) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.
- 15. ZC-11-38 (Casey Development (North Campus Housing) –** Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a Zoning Change from Single Family Residential- 6 (SF-6) to Mixed Use (MU) for approximately 13.51 acres located at Sessom Drive at Loquat Street.
- 16. PDD-11-12 (Casey Development (North Campus Housing) –** Consider a request by ETR Development, on behalf of Darren Casey Interests, Flo Wilks, Harriett Rainey, Christian and Diana Espiritu, Everette and Donna Swinney and Buck Schieb for a PDD overlay district, with a base zoning designation of Mixed Use (MU), for approximately 13.51 acres located at Sessom Drive at Loquat Street.

**17. Discussion Items.**

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

**Development Services Report**

**Commissioners' Report.**

**18. Questions from the Press and Public.**

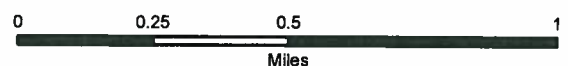
**19. Adjourn.**

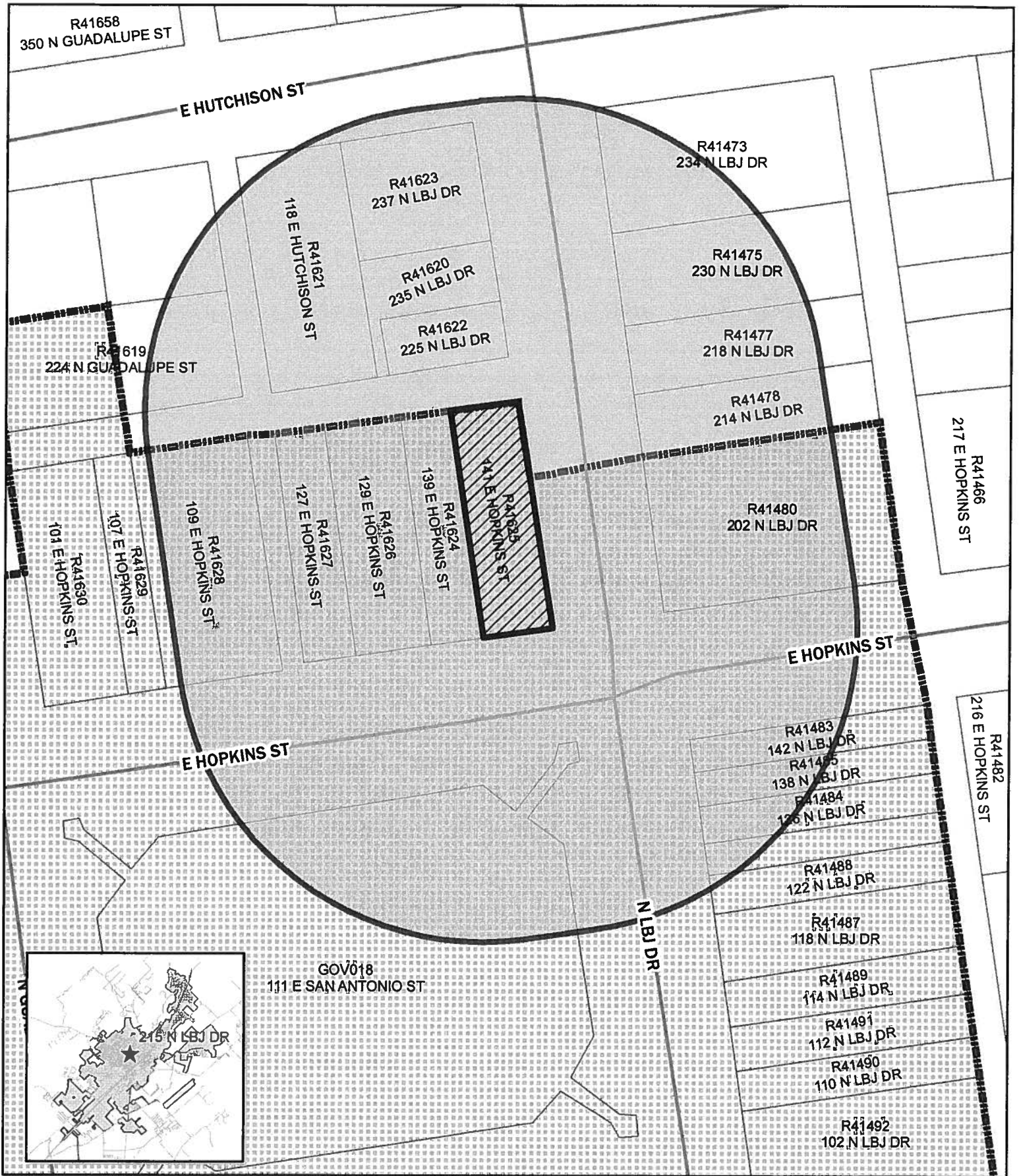
*Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretation for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.*



**Planning and Zoning  
Commission Meeting  
January 10, 2012  
Location Map**

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**CUP-11-20**  
**Root Cellar Cafe**  
**215 N. LBJ Drive**  
**Map Date: 12/13/11**



Notification Buffer  
(200 feet)

Site Location

Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0 50 100 200  
 Feet

N

# CUP-11-20

## Restricted Conditional Use Permit

### Root Cellar Cafe

### 215 N. LBJ Drive



#### Applicant Information:

**Applicant:** Kyle Mylius (Root Cellar Café)  
**Mailing Address:** 215 N. LBJ Drive  
San Marcos TX 78666

**Property Owner:** Brian Scofield  
1012 B Harwood Place  
Austin TX 78704

**Applicant Request:** Renewal of a Restricted Conditional Use Permit (CUP) to allow the on-premise consumption of mixed beverages, beer and wine and an amendment to add a roped-in patio for a restaurant.

**Public Hearing Notice:** Public hearing notification was mailed on December 30, 2011.

**Response:** None as of January 6, 2012

#### Subject Property:

**Location:** 215 N. LBJ Drive

**Legal Description:** Lot E part of 5, Block 20, Original Town of San Marcos

**Frontage On:** LBJ Drive

**Neighborhood:** Downtown

**Existing Zoning:** T5- Urban Center

**Sector:** Sector 8

**Utilities:** Sufficient

**Existing Use of Property:** Restaurant

**Zoning and Land Use Pattern:**

	Current Zoning	Existing Land Use
N of property	T5- Urban Center	Commercial
S of property	T5- Urban Center	Commercial
E of property	T5- Urban Center	Commercial
W of property	T5- Urban Center	Commercial

### **Code Requirements:**

A Conditional Use Permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2).

There is a limit of 15 Restricted CUPs in the Central Business Area at any time. If a CUP is restricted, the business must comply at all time with the standards for "bona fide restaurants." This location currently owns one of the restricted permits within the CBA.

### **Case Summary**

The Root Cellar is a restaurant in the walk-out basement of the Donaldson Building, located at the northwest corner of Hopkins and LBJ on the Courthouse Square. In August 2008, the Commission approved a restricted CUP for the Root Cellar Café for a duration of three years. This is a request for a renewal and amendment of the Restricted Conditional Use Permit. The main dining area is approximately 2,600 square feet. The applicant would like to add a patio area of about three to four tables that will be roped in under an awning as shown in the site plan submitted and amend the CUP to allow the on-premise consumption of alcohol to be served with food in this roped-in patio. Staff spoke with the City Engineer on December 21, 2011 regarding the Downtown Improvements project that will affect N. LBJ Drive, and the topography of the sidewalk in front of the Root Cellar Café will not be affected. The sidewalk that is in front of the property will be widened and improved. The Historic Preservation Commission is scheduled to consider the addition of the awning on January 5, 2012.

### **Comments from Other Departments:**

Health, Building, Engineering, Police, and Code Enforcement have not reported major concerns regarding the subject property.

### **Planning Department Analysis:**

There are no major changes with the proposed addition of the patio area – the bar is not expanding or adding live music. In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Typically, new conditional use permits are initially approved for one year, then renewed for three years and finally approved for the life of the State TABC license as long as standards are met. However, restaurant permits are valid for three years from the date of issuance and can be administratively issued if all provisions and other applicable statutes have been met per Section 4.3.4.2(b)(8) of the Land Development Code.

**Staff provides this request to the Commission for your consideration and recommends approval of the Restricted Conditional Use Permit with the following conditions:**

- 1. The permit shall be valid for three (3) years, provided standards are met, subject to the point system;**

Planning Department Recommendation:	
	Approve as submitted
<b>X</b>	Approve with conditions or revisions as noted
	Alternative
	Denial

### **Commission's Responsibility:**

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

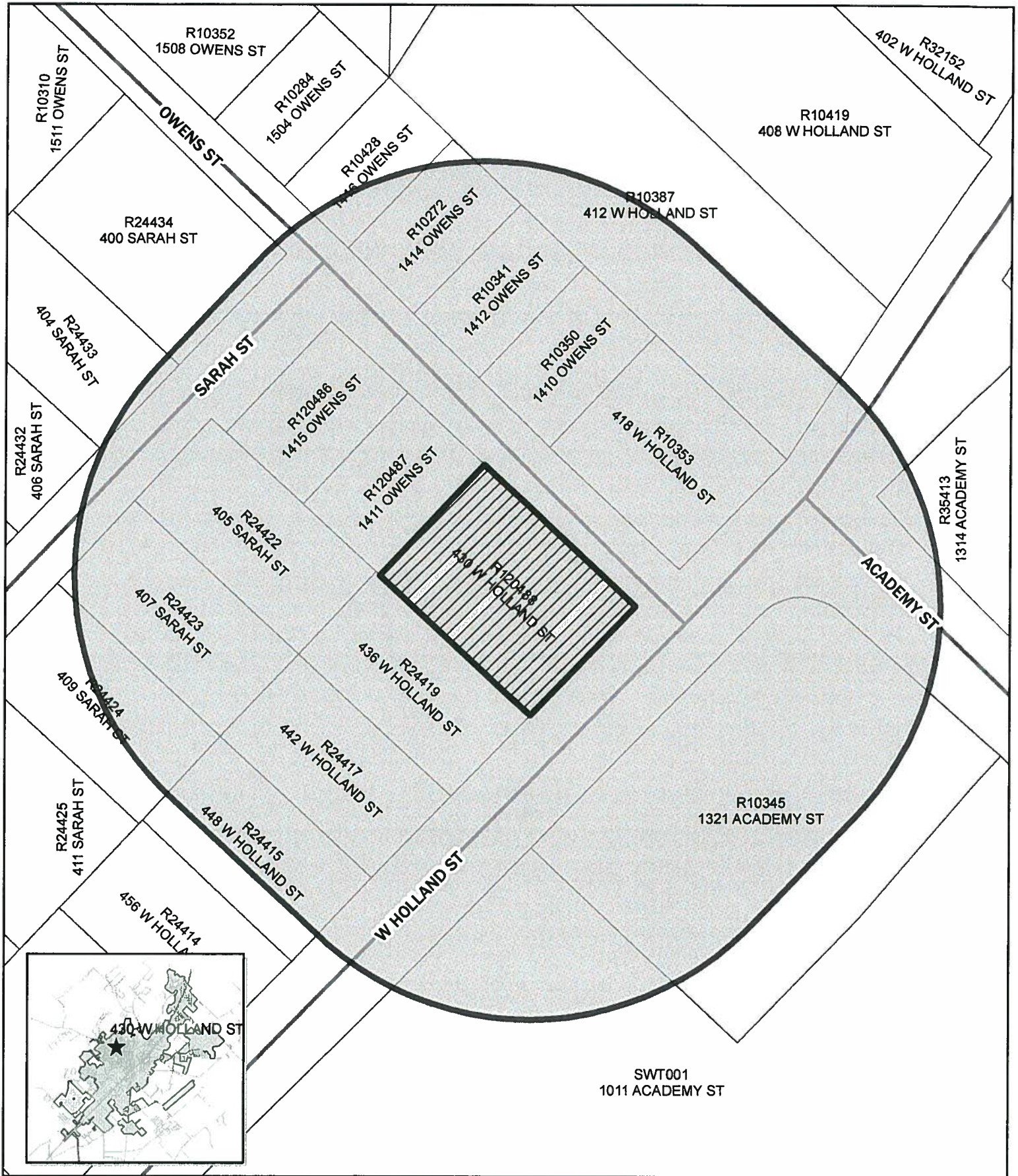
The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.


Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

### **Prepared by:**

Alison Brake	Planner	1/5/2012
<b>Name</b>	<b>Title</b>	<b>Date</b>



**LUA-11-30**  
**River City Mixed Use**  
**430 W. Holland**  
**Map Date: 12/28/11**

-  Notification Buffer (200 feet)
-  Site Location

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# **LUA-11-30**

## **Land Use Map Amendment**

### **430 Holland Street**



#### **Summary:**

The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

#### **Applicant:**

Vincent Gerard & Associates  
1715 S. Capital of Texas Highway, Suite 200D  
Austin TX 78746

#### **Property Owner:**

River City Loans Inc.  
23165 Hanging Oak  
San Antonio TX 78266

#### **Notification:**

Personal notice sent and signs posted on December 30, 2011

#### **Response:**

None as of date of report publication.

#### **Subject Property:**

##### **Location:**

430 W. Holland Street

##### **Legal Description:**

Lot 9C of the Coers Subdivision, .030 acre

##### **Sector:**

Sector 3

##### **Current Zoning:**

Single-Family Residential (SF-6)

##### **Proposed Zoning:**

Vertical Mixed Use (VMU)

##### **Current Future Land Use Map**

##### **Designation:**

Low Density Residential (LDR)

##### **Proposed Future Land Use Map**

##### **Designation:**

Mixed Use (MU)

**Surrounding Area:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>N of Property</b>	SF-6	Residential	Low Density Residential
<b>S of Property</b>	P	Texas State University	Public & Institutional
<b>E of Property</b>	SF-6/P	Residential/Fire Station	Low Density Residential/ Public & Institutional
<b>W of Property</b>	SF-6/DR	Residential	Low Density Residential/Medium Density Residential

**Case Summary:** Proposed Land Use Map Amendment from Low Density Residential to Mixed Use.

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Zone Change request, from Single-Family (SF-6) to Vertical Mixed Use (VMU).

The applicant has requested a land use amendment change as well as a zoning change from Low Density Residential to Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction.

**Comments from Other Departments:**

Staff received an email on December 19, 2011 from Code Enforcement Officer Will Schwall stating that this property was found to be in violation of the occupancy restriction regulation and that Code Enforcement does not support the land use amendment change or the rezone request.

**Planning Department Analysis:**

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above and/or behind the commercial uses. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They can provide a denser environment than found in typical residential developments. Mixed Use land uses also would allow the current dwelling to remain in use as a single-family residence. This particular parcel is likely too small to meet all of the development standards of Vertical Mixed Use and the request represents an encroachment of commercial into a predominately residential area. The request could promote the erosion of the adjacent residential areas.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p><b>Policy LU-3.10:</b> The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.</p> <p><i>Comment: The subject property is located on the edge of a Single Family Residential neighborhood.</i></p>
	X		<p><b>Policy LU-3.12:</b> The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.</p> <p><i>Comment: While the proposed Mixed Use land use designation could be beneficial to the neighborhood, it could also negatively impact the surrounding residential areas by increasing traffic, noise and light.</i></p>
		X	<p><b>Policy LU-4.4:</b> The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p> <p><i>Comment: Although the draft plan that was submitted with the application shows a two-story VMU building with offices on the bottom and residences on the top, the property is slightly larger than one quarter-acre in size which is likely not large enough to meet all development standards (i.e. parking, landscaping, etc.)</i></p>
X			<p><b>Policy LU-5.4:</b> The City shall maintain a strong code enforcement program to make sure that substandard buildings and rental property are not allowed to contribute to the deterioration of a neighborhood.</p> <p><i>Comment: The property is under enforcement action for violating the City's occupancy restriction regulation. Attempting to rezone property to remove the occupancy restriction could set a negative precedent.</i></p>
		X	<p><b>Policy LU-5.5:</b> The City shall encourage neighborhood planning so individual developments relate to the neighborhood and provide for complementary land uses.</p> <p><i>Comment: The request represents a commercial encroachment into a residential neighborhood.</i></p>
		X	<p><b>Policy LU-6.3:</b> The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: The location of the property does not lend itself to retail commercial uses. The proposed amendment could bring more intense commercial land uses to an area that is designated as Low Density Residential.</i></p>
		X	<p><b>Policy LU-6.6:</b> The City shall discourage the speculative zoning or rezoning of property solely for the intent of inflating the property's market value or where the zoning is to the benefit of the applicant and to the detriment of the adjacent property owners.</p> <p><i>Comment: The occupancy restriction regulations do not apply to mixed use development and amending the future land use and zoning would remove the protection of the restriction.</i></p>

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. From a land-use perspective, Mixed Use can be consistent with these goals but the sector plan as well as the Horizon's Master Plan does not call for this area to be mixed use. The largest percentage of acreage in Sector Three is designated on the future land use plan as low density residential (56.06%) and the proposed land use amendment would allow for encroachment of higher density uses. There is only 0.67% Mixed Use land use within Sector 3.

West Holland Street is designated on the City's Thoroughfare Plan as a minor arterial. Minor arterials serve less concentrated traffic-generating areas such as neighborhood shopping centers. Mixed use may serve as a transition use between the University and the lower-density neighborhood to the west, however, it is most appropriately done on a larger scale.

Based on the criteria above, staff believes the applicant's request is not consistent with adopted policies and plans of the city regarding development in this area. The future land use map is designated as low density residential in this area to preserve the residential area. Also, attempting to rezone the property to avoid a code enforcement violation will set a negative precedent for the City. **Staff recommends denial of this Land Use Map Amendment request.**

Planning Department Recommendation:	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative – Public Hearing only
<input checked="" type="checkbox"/>	Denial

### **The Commission's Responsibility:**

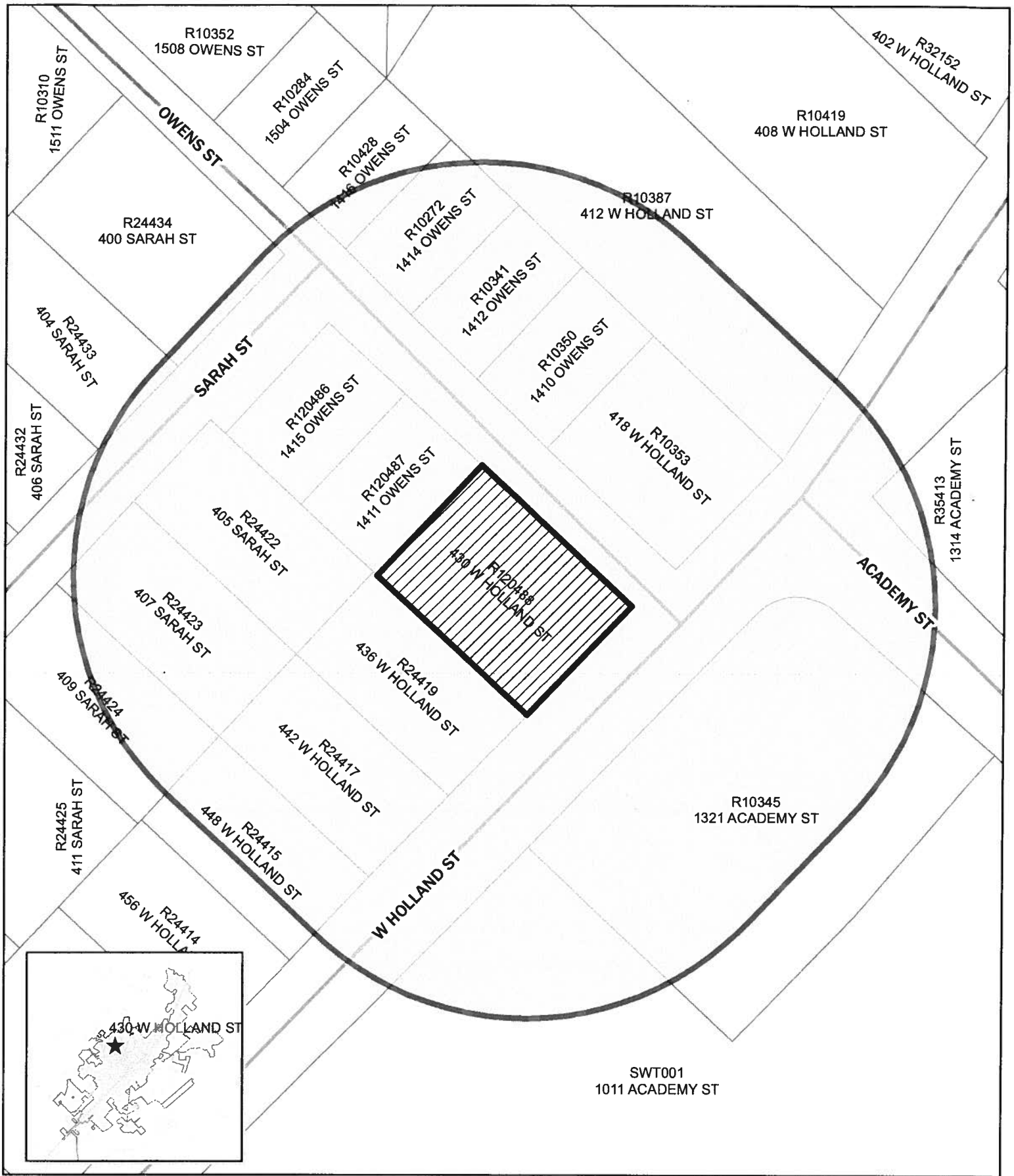
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

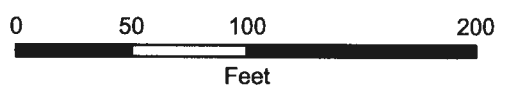
Alison Brake	Planner	January 3, 2012
<b>Name</b>	<b>Title</b>	<b>Date</b>



**ZC-11-44**  
**River City Mixed Use**  
**430 W. Holland**  
**Map Date: 12/28/11**

-  Notification Buffer (200 feet)
-  Site Location

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# Zoning Change

## ZC-11-44

### 430 W. Holland Street



#### **Summary:**

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Vertical Mixed Use (VMU)

#### **Applicant:**

Vincent Gerard & Associates  
1715 S. Capital of Texas Hwy, Ste. 200D  
Austin, Texas 78746

#### **Property Owner:**

River City Loans, Inc.  
23165 Hanging Oak  
San Antonio, Texas 78266

#### **Notification:**

Personal notice sent and signs posted on December 30, 2011

#### **Response:**

No response received as of date of report publication

#### **Subject Property:**

#### **Location:**

430 W. Holland Street

#### **Legal Description:**

Lot 9C of the Coers Subdivision, .030 acre

#### **Sector:**

Sector 3

#### **Current Zoning:**

Single-Family Residential (SF-6)

#### **Proposed Zoning:**

Vertical Mixed Use (VMU)

#### **Current Future Land Use Map Designation:**

Low-Density Residential (LDR)

#### **Proposed Future Land Use Map Designation:**

Mixed Use (MU)

#### **Surrounding Area:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
N of Property	SF-6	Residential
S of Property	SF-6/P/DR	Residential/Texas State University
E of Property	SF-6/P	Residential/Texas State University
W of Property	SF-6/OP/MU	Residential/Offices/Mixed Uses

## **Case Summary**

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Land Use Map Amendment, from Low Density Residential (LDR) to Mixed Use (MU).

### **History**

This site was the subject of an administrative minor plat in 2005.

### **Single-Family Residential, Mixed Use and Vertical Mixed Use**

The applicant has requested a zoning and land use amendment change from SF-6 to Vertical Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction. The table below illustrates the differences and similarities between SF-6, Mixed Use and Vertical Mixed Use with regards to site development. With the exception of impervious cover and rear yard setback, the site development requirements are similar for SF-6 and Mixed Use; however, Vertical Mixed Use takes on a much more urban form with increased density and allowable lot coverage. From the standpoint of building impact, using the site for Mixed Use or Single Family would have little difference on surrounding properties. However, both Mixed Use categories provide for many more uses than are permitted in the SF-6 District, and have the potential to significantly impact the surrounding area. Vertical Mixed Use in particular, with the greater allowed height and density on less area, could affect the overall character of the area.

<i>From Tables 4.1.6.1 &amp; 4.1.4.6.</i>	<b>SF-6</b>	<b>Mixed Use</b>	<b>Vertical Mixed Use</b>
Lot Size minimum	6000 square feet	6000 square feet	4000 square feet
Units per acre, max.gross	5.5 units per acre	5.5 units per acre	40 units per acre
Lot frontage minimum	35 feet	50 feet	35 feet
Lot width minimum	50 feet	50 feet	40 feet
Front Yard Setback min	25 feet	25 feet	0 feet
Side setback interior minimum	5 feet	7.5 feet	0 feet
Side setback corner minimum	15 feet	15 feet	0 feet
Rear yard setback minimum	20 feet	5 feet	5 feet – add'l 2' required for each story above 24 feet, max setback 25 feet
Lot depth minimum	100 feet	100 feet	100 feet
Impervious cover minimum	50%	60%	85%
Building height maximum	2 stories	30 feet (approx. 2.5 stories)	4 stories, additional permitted with grant of Conditional Use Permit (CUP)

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and may not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use under the proposed zoning. While Mixed Use Districts often serve primarily the neighborhoods they are located in, they are most appropriately located on major arterials, to offset the additional traffic they may bring.

Vertical Mixed Use is a newer zoning classification that is intended to provide for infill development. It is a more dense classification and provides for residential, office and retail in close proximity, to encourage greater walkability of developments. The district is intended to create a range of uses, rather than multifamily only or commercial only. As with Mixed Use, single-family, townhouses and loft apartments are permitted by right, and duplex and multifamily development is only permitted with the approval of a Conditional Use Permit. Vertical Mixed Use does not have an occupancy restriction, and while most forms of multifamily are permitted only with the additional review required by a Conditional Use Permit, a maximum density of up to forty units per acre is permitted. The uses allowed in the Vertical Mixed Use district are essentially the same as those in the Mixed Use district.

### Comments from Other Departments

Staff received an email on December 19, 2011 from Code Enforcement Officer Will Schwall stating that this property was found to be in violation of the occupancy restriction regulation and that Code Enforcement does not support the land use amendment change or the rezone request.

### Planning Department Analysis:

Generally speaking, uses permitted in the Mixed Use District and Vertical Mixed Use District are considered compatible with residential uses, however, the overall scale of mixed uses may not be. Additionally, some uses are not as appropriate, such as hotels, and do not encourage pedestrian access. Staff is generally supportive of requests for mixed-use zoning, because it allows for a broader range of permissible uses that serve the neighborhood. However, the possibility of negative impacts, such as increased traffic, inappropriate uses in the center of a residential area, and additional noise and light, must be weighed. The size of the site or sites being requested for Mixed Use or Vertical Mixed Use is also an important consideration. In this instance, given the size of the site and its location on Holland Drive, which is a minor arterial and predominantly residential, the likelihood of negative impacts to adjacent residences is high. Additionally, while Vertical Mixed Use does not require as much area to develop, it permits a much higher ratio of dwelling units to acre, and is more appropriate in higher-density, urbanized areas, or on much larger lots or groupings of lots, rather than single, smaller lots in a predominantly single-family neighborhood.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
	X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps  <i>A Future Land Use Map Amendment is required for this site.</i>
		X	Consistency with any development agreement in effect  <i>No development agreements exist on this tract</i>
	X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.  <i>The current and proposed use, as a residence, is consistent, and the proposed development standards would be similar to what is currently required. However, the possible scale and use if the site</i>

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
			<i>were to be redeveloped would not be appropriate for the immediate area.</i>
		X	Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area  <i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i>
		X	Other factors which substantially affect the public health, safety, morals, or general welfare.  <i>The proposed use, as a residence, is unlikely to have a greater impact on surrounding properties. However, the proposed rezone increases the possibility of negative impacts on the area, should the site redevelop.</i>

Staff finds that while the request is somewhat consistent with the surrounding development patterns and that the request will not dramatically affect the immediate area it is inconsistent with some of the policies in the Master Plan and may have a negative impact on the area should the site be redeveloped. Staff is therefore recommending denial based on the following findings:

- Uses allowed by right or by the granting of a Conditional Use Permit may significantly impact the neighborhood, if the site were to be redeveloped
- The site may be used for its requested use with the current zoning designation
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:		
<input type="checkbox"/>	<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	<input type="checkbox"/>	Alternative – Public Hearing only
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Denial

### **The Commission's Responsibility:**

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP

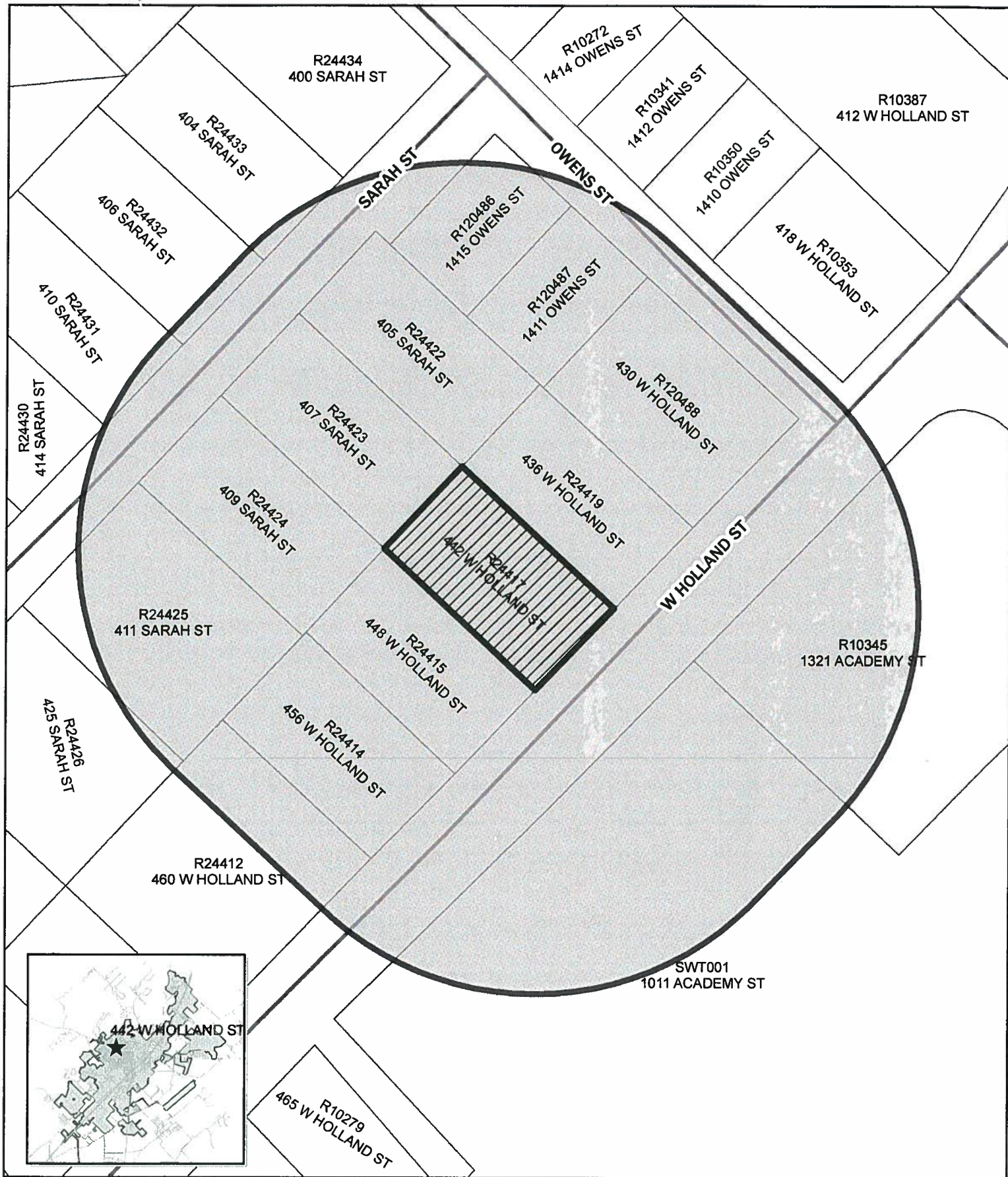
Chief Planner

December 27, 2011

Name

Title

Date



**LUA-11-31**

**River City**

**442 W. Holland St**

**Map Date: 12/27/11**



Notification Buffer  
(200 feet)

Site Location

This map was created by Development Services  
for reference purposes only. No warranty is made  
concerning the map's accuracy or completeness.



# LUA-11-31

## Land Use Map Amendment

### 442 Holland Street



**Summary:** The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

**Applicant:** Vincent Gerard & Associates  
1715 S. Capital of Texas Highway, Suite 200D  
Austin TX 78746

**Property Owner:** River City Loans Inc.  
23165 Hanging Oak  
San Antonio TX 78266

**Notification:** Personal notice sent and signs posted on December 30, 2011

**Response:** None as of date of report publication.

#### **Subject Property:**

**Location:** 442 W. Holland Street

**Legal Description:** Part of Lot 7 of the A.G. Coers Subdivision, .258 acre

**Sector:** Sector 3

**Current Zoning:** Single-Family Residential (SF-6)

**Proposed Zoning:** Vertical Mixed Use (VMU)

**Current Future Land Use Map Designation:** Low Density Residential (LDR)

**Proposed Future Land Use Map Designation:** Mixed Use (MU)

#### **Surrounding Area:**

	Zoning	Existing Land Use	Future Land Use
<b>N of Property</b>	SF-6	Residential	Low Density Residential
<b>S of Property</b>	P	Texas State University	Public & Institutional
<b>E of Property</b>	SF-6/P	Residential/Fire Station	Low Density Residential/ Public & Institutional
<b>W of Property</b>	SF-6/DR	Residential	Low Density Residential/Medium Density Residential

**Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Mixed Use.**

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Zone Change request, from Single-Family (SF-6) to Vertical Mixed Use (VMU).

**Planning Department Analysis:**

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above the commercial uses. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They can provide a denser environment than found in typical residential developments. Mixed Use land uses also would allow the current dwelling to remain in use as a single-family residence. This particular parcel is likely too small to accommodate redevelopment as a Vertical Mixed Use site and the request represents an encroachment of commercial into a predominately residential area. A sample site plan filed with the application indicates this parcel being developed together with 448 West Holland Street, if both rezoning and land use map amendment requests were to be approved. While Mixed Use may be an appropriate transition use between the University and the lower-density residential neighborhoods, it is more appropriate done on a larger scale.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p><b>Policy LU-3.10:</b> The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.</p> <p><i>Comment: The subject property is located on the edge of a Single Family Residential neighborhood.</i></p>
	X		<p><b>Policy LU-3.12:</b> The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.</p> <p><i>Comment: While the proposed Mixed Use land use designation could be beneficial to the neighborhood, it could also negatively impact the surrounding residential areas by increasing traffic, noise and light.</i></p>
		X	<p><b>Policy LU-5.5:</b> The City shall encourage neighborhood planning so individual developments relate to the neighborhood and provide for complementary land uses.</p> <p><i>Comment: The request represents a commercial encroachment into a residential neighborhood.</i></p>
		X	<p><b>Policy LU-6.3:</b> The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: The location of the property does not lend itself to commercial uses. The proposed amendment could bring more intense commercial land uses to an area that is designated as Low Density Residential.</i></p>
X			<p><b>Policy LU-6.6:</b> The City shall discourage the speculative zoning or rezoning of property solely for the intent of inflating the property's market value or where the zoning is to the benefit of the applicant and to the detriment of the adjacent property owners.</p> <p><i>Comment: The occupancy restriction regulations do not apply to mixed use development and amending the future land use would remove the protection of the restriction.</i></p>

		X	<p><b>Policy LU-6.15:</b> The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials.</p> <p><i>Comment: While Mixed Use land use can benefit an established neighborhood by encouraging neighborhood shopping centers, the location of the proposed amendment could negatively impact the surrounding residences with higher traffic loads.</i></p>
--	--	---	---

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan.

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. From a land-use perspective, Mixed Use can be consistent with these goals but the sector plan as well as the Horizon's Master Plan does not call for this area to be mixed use. The largest percentage of acreage in Sector Three is designated on the future land use plan as low density residential (56.06%) and the proposed land use amendment would allow for encroachment of higher density uses. There is only 0.67% Mixed Use land use within Sector 3. West Holland Street is designated on the City's Thoroughfare Plan as a minor arterial. Minor arterials serve less concentrated traffic-generating areas such as neighborhoods and small commercial centers.

Based on the criteria above, staff believes the applicant's request is not consistent with adopted policies and plans of the city regarding development in this area. The future land use map is designated as low density residential in this area to preserve the residential area. **Staff recommends denial of this Land Use Map Amendment request.**

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative – Public Hearing only
<input checked="" type="checkbox"/>		Denial

### **The Commission's Responsibility:**

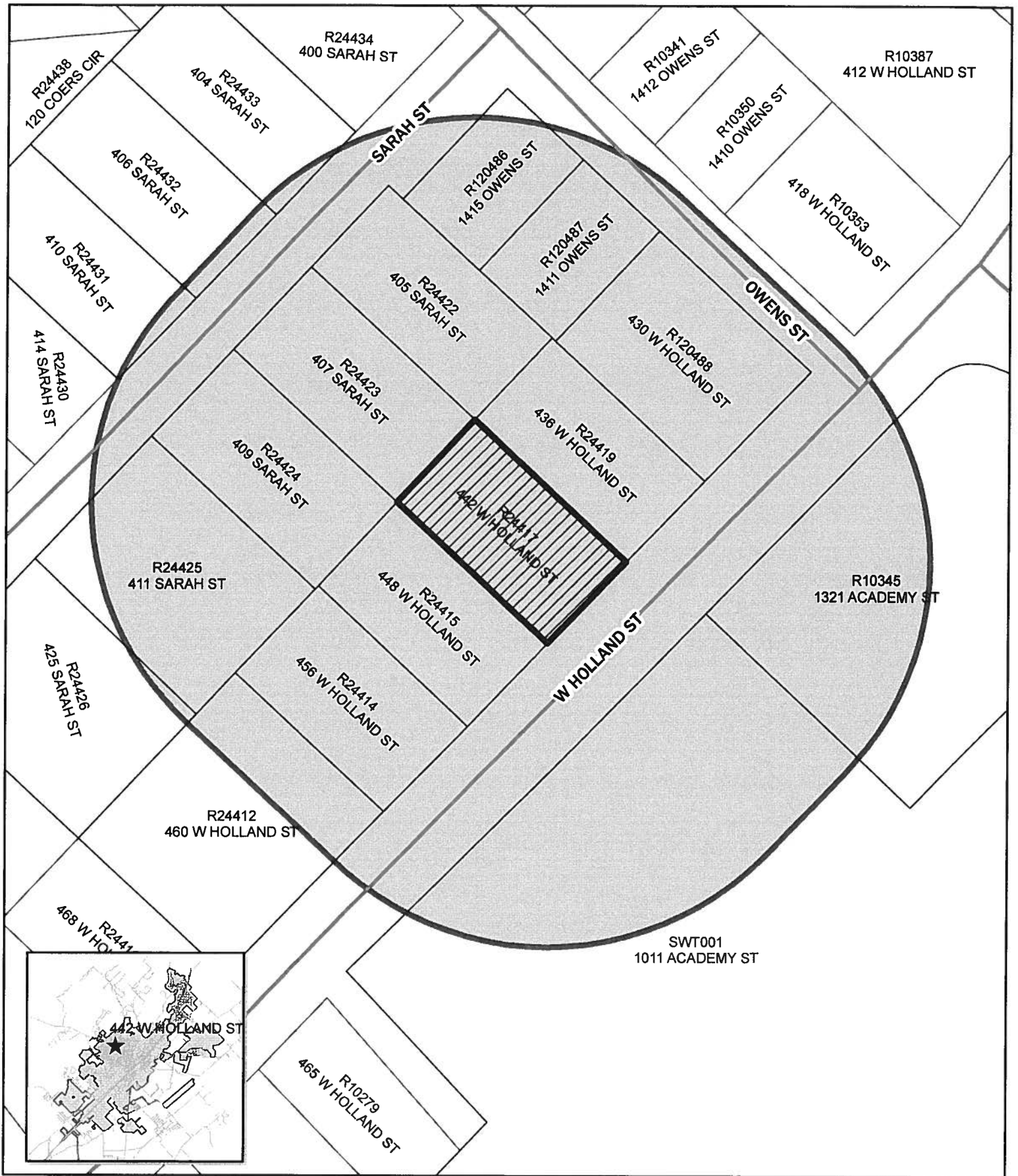
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:




- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	January 4, 2012
<b>Name</b>	<b>Title</b>	<b>Date</b>



**ZC-11-45**  
**River City Mixed Use**  
**442 W. Holland**  
**Map Date: 12/28/11**

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# Zoning Change

## ZC-11-45

### 442 W. Holland Street



#### **Summary:**

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Vertical Mixed Use (VMU)

#### **Applicant:**

Vincent Gerard & Associates  
1715 S. Capital of Texas Highway, Suite 200D  
Austin, Texas 78746

#### **Property Owner:**

River City Loans Inc.  
23165 Hanging Oak  
San Antonio, TX 78266

#### **Notification:**

Personal notice sent and signs posted on December 30, 2011.

#### **Response:**

None as of report date.

#### **Subject Property:**

#### **Location:**

442 W. Holland Street

#### **Legal Description:**

0.233 acres on part of Lot 1 out of the A.G. Coers Subdivision

#### **Sector:**

Sector 3

#### **Current Zoning:**

Single-Family Residential (SF-6)

#### **Proposed Zoning:**

Vertical Mixed Use (VMU)

#### **Current Future Land Use Map Designation:**

Low-Density Residential (LDR)

#### **Proposed Future Land Use Map Designation:**

Mixed Use (MU)

#### **Surrounding Area:**

	Current Zoning	Existing Land Use
N of Property	SF-6	Residential
S of Property	P	Texas State University
E of Property	SF-6/P	Residential/Texas State University
W of Property	SF-6/OP	Residential/Insurance Office

## **Case Summary**

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Land Use Map Amendment, from Low Density Residential (LDR) to Mixed Use (MU). There are other requests for zoning and land use amendment changes for 430 and 448 West Holland Drive, proceeding at the same time as this request.

There is a single family residence between the subject parcel and 430 W. Holland

### **History**

There are no previous land use applications filed for this site.

### **Single-Family Residential, Mixed Use and Vertical Mixed Use**

The applicant has requested a zoning and land use amendment change from SF-6 to Vertical Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction. The table below illustrates the differences and similarities between SF-6, Mixed Use and Vertical Mixed Use with regards to site development. With the exception of impervious cover and rear yard setback, the site development requirements are similar for SF-6 and Mixed Use; however, Vertical Mixed Use takes on a much more urban form with increased density and allowable lot coverage. From the standpoint of building impact, using the site for Mixed Use or Single Family would have little difference on surrounding properties. The Vertical Mixed Use category has the potential to significantly impact the surrounding area as it provides for many more uses than what is permitted in the Single-Family Residential District.

<i>From Tables 4.1.6.1 &amp; 4.1.4.6.</i>	<b>SF-6</b>	<b>Mixed Use</b>	<b>Vertical Mixed Use</b>
Lot Size minimum	6000 square feet	6000 square feet	4000 square feet
Units per acre, max.gross	5.5 units per acre	5.5 units per acre	40 units per acre
Lot frontage minimum	35 feet	50 feet	35 feet
Lot width minimum	50 feet	50 feet	40 feet
Front Yard Setback min	25 feet	25 feet	0 feet
Side setback interior minimum	5 feet	7.5 feet	0 feet
Side setback corner minimum	15 feet	15 feet	0 feet
Rear yard setback minimum	20 feet	5 feet	5 feet – additional 2' required for each story above 24 feet, max. setback 25 feet
Lot depth minimum	100 feet	100 feet	100 feet
Impervious cover minimum	50%	60%	85%
Building height maximum	2 stories	30 feet (approx. 2.5 stories)	4 stories, additional permitted with grant of Conditional Use Permit (CUP)

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and may not draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use under the proposed zoning. While Mixed Use Districts often serve primarily the

neighborhoods they are located in, they are most appropriately located on major arterials, to offset the additional traffic they may bring.

Vertical Mixed Use is a newer zoning classification that is intended to provide for infill development. It is a more dense classification and provides for residential, office and retail in close proximity, to encourage greater walkability of developments. The district is intended to create a range of uses, rather than multifamily only or commercial only. As with Mixed Use, single-family, townhouses and loft apartments are permitted by right, and duplex and multifamily development is only permitted with the approval of a Conditional Use Permit. Vertical Mixed Use does not have an occupancy restriction, and while most forms of multifamily are permitted only with the additional review required by a Conditional Use Permit, a maximum density of up to forty units per acre is permitted. The uses allowed in the Vertical Mixed Use district are essentially the same as those in the Mixed Use district.

#### **Comments from Other Departments**

Staff received an email on December 19, 2011 from Code Enforcement Officer Will Schwall stating that while this property was not found to be in violation of the occupancy restriction regulation, the requests were made for a rezoning in order to avoid the occupancy restriction rules.

#### **Planning Department Analysis:**

Generally speaking, uses permitted in the Mixed Use District and Vertical Mixed Use District are considered compatible with residential uses, however, the overall scale of mixed uses may not be. Additionally, some uses are not as appropriate, such as hotels, and do not encourage pedestrian access. Staff is generally supportive of requests for mixed-use zoning, because it allows for a broader range of permissible uses that serve the neighborhood. However, the possibility of negative impacts, such as increased traffic, inappropriate uses in the center of a residential area, and additional noise and light, must be weighed. The size of the site or sites being requested for Mixed Use or Vertical Mixed Use is also an important consideration. In this instance, given the size of the site and its location on Holland Drive, which is a minor arterial and predominantly residential, the likelihood of negative impacts to adjacent residences is high. Additionally, while Vertical Mixed Use does not require as much area to develop, it permits a much higher ratio of dwelling units to acre, and is more appropriate in higher-density, urbanized areas, or on much larger lots or groupings of lots, rather than single, smaller lots in a predominantly single-family neighborhood.

Parcel and parcel addressed as 448 W. Holland would have to be replatted prior to any development

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
	X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps  <i>A Future Land Use Map Amendment is required for this site.</i>
		X	Consistency with any development agreement in effect  <i>No development agreements exist on this tract</i>
	X		Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
			<i>The current use, as a residence, is consistent, and the proposed development standards would be similar to what is currently required. However, the proposed district would permit uses that would not be appropriate in the immediate area.</i>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
		X	<p>Other factors which substantially affect the public health, safety, morals, or general welfare.</p> <p><i>The proposed use, as a residence, is unlikely to have a greater impact on surrounding properties. However, the proposed rezone increases the possibility of negative impacts on the area, should the site redevelop.</i></p>

Staff finds that while the request is somewhat consistent with the surrounding development patterns and that the request will not dramatically affect the immediate area it is inconsistent with some of the policies in the Master Plan and may have a negative impact on the area should the site be redeveloped. Staff is therefore recommending denial based on the following findings:

- Uses allowed by right or by the granting of a Conditional Use Permit may significantly impact the neighborhood, if the site were to be redeveloped
- The site may be used for its requested use with the current zoning designation
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative – Public Hearing only
<input checked="" type="checkbox"/>		Denial

### **The Commission's Responsibility:**

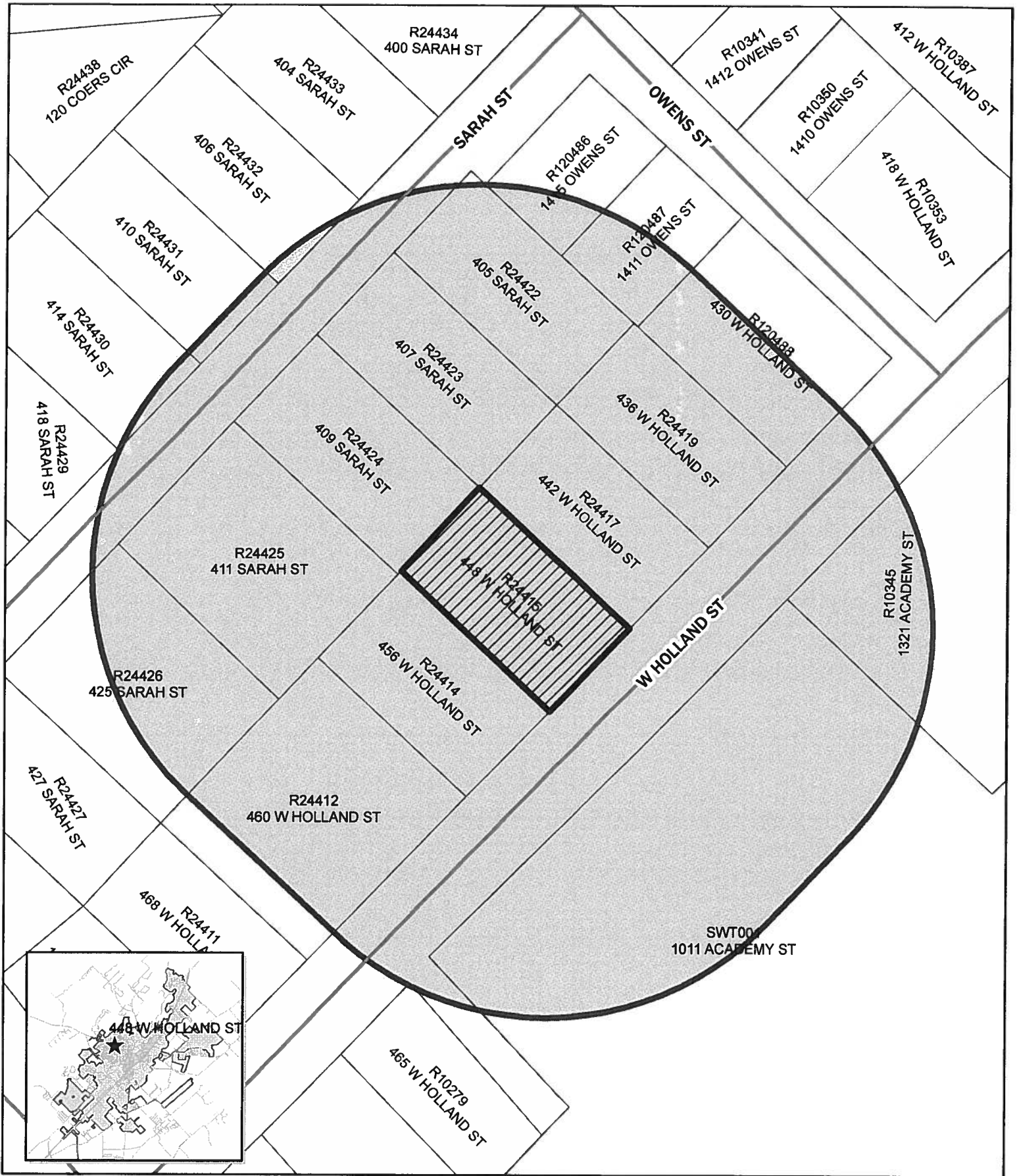
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:



- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Alison Brake	Planner	December 29, 2011
Name	Title	Date



**LUA-11-32**  
**River City Mixed Use**  
**448 W. Holland**  
**Map Date: 12/28/11**

-  Notification Buffer (200 feet)
-  Site Location

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



# LUA-11-32

## Land Use Map Amendment

### 448 Holland Street



**Summary:** The applicant is requesting a Land use Map Amendment from Low Density Residential (LDR) to Mixed Use (MU)

**Applicant:** Vincent Gerard & Associates  
1715 S. Capital of Texas Highway, Suite 200D  
Austin TX 78746

**Property Owner:** River City Loans Inc.  
23165 Hanging Oak  
San Antonio TX 78266

**Notification:** Personal notice sent and signs posted on December 30, 2011

**Response:** None as of date of report publication.

#### **Subject Property:**

**Location:** 448 W. Holland Street

**Legal Description:** Part of Lot 6A of the A.G. Coers Subdivision, .243 acre

**Sector:** Sector 3

**Current Zoning:** Single-Family Residential (SF-6)

**Proposed Zoning:** Vertical Mixed Use (VMU)

**Current Future Land Use Map Designation:** Low Density Residential (LDR)

**Proposed Future Land Use Map Designation:** Mixed Use (MU)

#### **Surrounding Area:**

	Zoning	Existing Land Use	Future Land Use
<b>N of Property</b>	SF-6	Residential	Low Density Residential
<b>S of Property</b>	P	Texas State University	Public & Institutional
<b>E of Property</b>	SF-6/P	Residential/Fire Station	Low Density Residential/ Public & Institutional
<b>W of Property</b>	SF-6/DR	Residential	Low Density Residential/Medium Density Residential

**Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Mixed Use.**

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. This request is proceeding concurrently with a Zone Change request, from Single-Family (SF-6) to Vertical Mixed Use (VMU).

**Planning Department Analysis:**

Mixed Use land uses are typically characterized by ground-floor or street-front retail, and residential uses above the commercial uses. They are intended to attract foot traffic as well as vehicular traffic, and tend not to draw people from as wide an area as more intense, larger commercial uses. They can provide a denser environment than found in typical residential developments. Mixed Use land uses also would allow the current dwelling to remain in use as a single-family residence. This particular parcel is likely too small to accommodate redevelopment as a Vertical Mixed Use site and the request represents an encroachment of commercial into a predominately residential area. A sample site plan filed with the application indicates this parcel being developed together with 442 West Holland Street, if both rezoning and land use map amendment requests were to be approved. While Mixed Use zoning may be appropriate as a transition between the University and the lower-density residential neighborhood, it is best utilized on a larger scale, adjacent to similar uses.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p><b>Policy LU-3.10:</b> The City shall protect existing stable residential neighborhoods from encroachment of commercial or higher density residential uses.</p> <p><i>Comment: The subject property is located on the edge of a Single Family Residential neighborhood.</i></p>
	X		<p><b>Policy LU-3.12:</b> The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood.</p> <p><i>Comment: While the proposed Mixed Use land use designation could be beneficial to the neighborhood, it could also negatively impact the surrounding residential areas by increasing traffic, noise and light.</i></p>
		X	<p><b>Policy LU-5.5:</b> The City shall encourage neighborhood planning so individual developments relate to the neighborhood and provide for complementary land uses.</p> <p><i>Comment: The request represents a commercial encroachment into a residential neighborhood.</i></p>
		X	<p><b>Policy LU-6.3:</b> The City shall promote commercial development in designated corridors and at intersections as the most desirable locations, and to influence the direction of development as part of the Future Land Use Plan.</p> <p><i>Comment: The location of the property does not lend itself to commercial uses. The proposed amendment could bring more intense commercial land uses to an area that is designated as Low Density Residential.</i></p>
X			<p><b>Policy LU-6.6:</b> The City shall discourage the speculative zoning or rezoning of property solely for the intent of inflating the property's market value or where the zoning is to the benefit of the applicant and to the detriment of the adjacent property owners.</p> <p><i>Comment: The occupancy restriction regulations do not apply to mixed use development and amending the future land use would remove the protection of the restriction.</i></p>

		X	<p><b>Policy LU-6.15:</b> The City shall encourage the location of neighborhood shopping centers generally at the intersections of major or minor arterials.</p> <p><i>Comment: While Mixed Use land use can benefit an established neighborhood by encouraging neighborhood shopping centers, the location of the proposed amendment could negatively impact the surrounding residences with higher traffic loads.</i></p>
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Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector 3 Plan.

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. From a land-use perspective, Mixed Use can be consistent with these goals but the sector plan as well as the Horizon's Master Plan does not call for this area to be mixed use. The largest percentage of acreage in Sector Three is designated on the future land use plan as low density residential (56.06%) and the proposed land use amendment would allow for encroachment of higher density uses. There is only 0.67% Mixed Use land use within Sector 3. West Holland Street is designated on the City's Thoroughfare Plan as a minor arterial. Minor arterials serve less concentrated traffic-generating areas such as neighborhoods and small commercial centers.

Based on the criteria above, staff believes the applicant's request is not consistent with adopted policies and plans of the city regarding development in this area. The future land use map is designated as low density residential in this area to preserve the residential area. **Staff recommends denial of this Land Use Map Amendment request.**

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative – Public Hearing only
<input checked="" type="checkbox"/>		Denial

### **The Commission's Responsibility:**

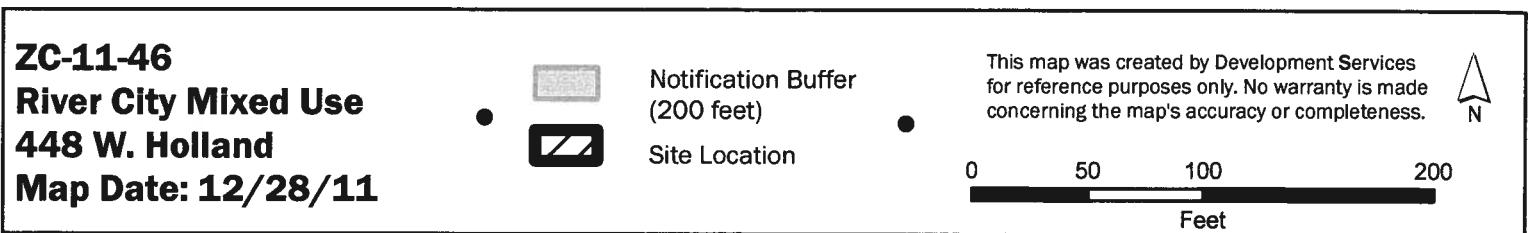
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Christine Barton-Holmes, LEED AP	Chief Planner	January 4, 2012
<b>Name</b>	<b>Title</b>	<b>Date</b>



# Zoning Change

## ZC-11-46

### 448 W. Holland Street



#### **Summary:**

The applicant is requesting a Zoning Change from Single Family Residential-6 (SF-6) to Vertical Mixed Use (VMU)

#### **Applicant:**

Vincent Gerard & Associates  
1715 S. Capital of Texas Highway, Suite 200D  
Austin, Texas 78746

#### **Property Owner:**

Fry Ventures, LLC  
23165 Hanging Oak  
San Antonio, TX 78266

#### **Notification:**

Personal notice sent and signs posted on December 30, 2011.

#### **Response:**

None as of report date.

#### **Subject Property:**

#### **Location:**

448 W. Holland Street

#### **Legal Description:**

0.244 acres on part of Lot 6A out of the A.G. Coers  
Subdivision

#### **Sector:**

Sector 3

#### **Current Zoning:**

Single-Family Residential (SF-6)

#### **Proposed Zoning:**

Vertical Mixed Use (VMU)

#### **Current Future Land Use Map Designation:**

Low-Density Residential (LDR)

#### **Proposed Future Land Use Map Designation:**

Mixed Use (MU)

#### **Surrounding Area:**

	<b>Current Zoning</b>	<b>Existing Land Use</b>
N of Property	SF-6/DR	Residential
S of Property	SF-6/P	Residential/Texas State University
E of Property	SF-6/P	Residential/Texas State University
W of Property	SF-6/OP/MU	Residential/Offices/Mixed Uses

## **Case Summary**

The property is located in northwestern San Marcos, adjacent to Texas State University. The site is part of the Coers Subdivision, and there are several single-family and duplex subdivisions nearby. The area is characterized primarily by single-family residential with some commercial adjacent to Old Ranch Road 12. The applicant is proposing to construct a two-story Vertical Mixed Use building with some office space and a restaurant at the ground level with frontage on West Holland Street and apartments on the second level of the building. The preliminary concept of the building shows that the back of the building would be solely multifamily. A single-family residence is located between the subject property and the OP zoning district west of the subject property. This request is proceeding concurrently with a Land Use Map Amendment, from Low Density Residential (LDR) to Mixed Use (MU). There are other requests for zoning and land use amendment changes for 430 and 442 West Holland Drive, proceeding at the same time as this request.

## **History**

There are no previous land use applications filed for this site.

## **Single-Family Residential, Mixed Use and Vertical Mixed Use**

The applicant has requested a zoning and land use amendment change from SF-6 to Vertical Mixed Use, to allow for a wider range of permissible uses, and to remove the occupancy restriction. The table below illustrates the differences and similarities in site development between SF-6, Mixed Use and Vertical Mixed Use. With the exception of impervious cover and rear yard setback, the site development requirements are similar for SF-6 and Mixed Use. Vertical Mixed Use takes on a much more urban form with increased density and allowable lot coverage at 40 units per acre in comparison to 5.5 units per acre of SF-6 and Mixed Use. From the standpoint of building impact, using the site for Mixed Use or Single Family would have little difference on surrounding properties. The Vertical Mixed Use category has the potential to significantly impact the surrounding area as it provides for many more uses than what is permitted in the Single-Family Residential District.

<i>From Tables 4.1.6.1 &amp; 4.1.4.6.</i>	<b>SF-6</b>	<b>Mixed Use</b>	<b>Vertical Mixed Use</b>
Lot Size minimum	6000 square feet	6000 square feet	4000 square feet
Units per acre, max.gross	5.5 units per acre	5.5 units per acre	40 units per acre
Lot frontage minimum	35 feet	50 feet	35 feet
Lot width minimum	50 feet	50 feet	40 feet
Front Yard Setback min	25 feet	25 feet	0 feet
Side setback interior minimum	5 feet	7.5 feet	0 feet
Side setback corner minimum	15 feet	15 feet	0 feet
Rear yard setback minimum	20 feet	5 feet	5 feet – additional 2' required for each story above 24 feet, max. setback 25 feet
Lot depth minimum	100 feet	100 feet	100 feet
Impervious cover minimum	50%	60%	85%
Building height maximum	2 stories	30 feet (approx. 2.5 stories)	4 stories, additional permitted with grant of Conditional Use Permit (CUP)

Mixed Uses typically are small-scale, neighborhood-serving uses such as offices, cafes and salons. Additional uses are permitted through the Conditional Use Permit process. They are intended to attract foot traffic as well as vehicular traffic, and may not to draw people from as wide an area as more intense, larger commercial uses. They also permit single-family residential, which would allow the current dwelling to remain in use under the proposed zoning. While Mixed Use Districts often serve primarily the neighborhoods they are located in, they are most appropriately located on major arterials, to offset the additional traffic they may bring.

Vertical Mixed Use is a newer zoning classification that is intended to provide for infill development. It is a more dense classification and provides for residential, office and retail in close proximity, to encourage greater walkability of developments. The district is intended to create a range of uses, rather than multifamily only or commercial only. As with Mixed Use, single-family, townhouses and loft apartments are permitted by right, and duplex and multifamily development is only permitted with the approval of a Conditional Use Permit. Vertical Mixed Use does not have an occupancy restriction, and while most forms of multifamily are permitted only with the additional review required by a Conditional Use Permit, a maximum density of up to forty units per acre is permitted. The uses allowed in the Vertical Mixed Use district are essentially the same as those in the Mixed Use district.

#### **Comments from Other Departments**

Staff received an email on December 19, 2011 from Code Enforcement Officer Will Schwall stating that while this property was not found to be in violation of the occupancy restriction regulation, the requests were made for a rezoning in order to avoid the occupancy restriction rules.

#### **Planning Department Analysis:**

Generally speaking, uses permitted in the Mixed Use District and Vertical Mixed Use District are considered compatible with residential uses, however, the overall scale of mixed uses may not be. Additionally, some uses are not as appropriate, such as hotels, and do not encourage pedestrian access. Staff is generally supportive of requests for mixed-use zoning, because it allows for a broader range of permissible uses that serve the neighborhood. However, the possibility of negative impacts, such as increased traffic, inappropriate uses in the center of a residential area, and additional noise and light, must be weighed. The size of the site or sites being requested for Mixed Use or Vertical Mixed Use is also an important consideration. In this instance, given the size of the site and its location on Holland Drive, which is a minor arterial and predominantly residential, the likelihood of negative impacts to adjacent residences is high. Additionally, while Vertical Mixed Use does not require as much area to develop, it permits a much higher ratio of dwelling units to acre, and is more appropriate in higher-density, urbanized areas, or on much larger lots or groupings of lots, rather than single, smaller lots in a predominantly single-family neighborhood. The subject parcel and the parcel adjacent to it, addressed as 442 W. Holland, would have to be replatted as one lot prior to any development and a CUP would be needed for the apartments at the rear of the building.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
	X		Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps  <i>A Future Land Use Map Amendment is required for this site.</i>
		X	Consistency with any development agreement in effect  <i>No development agreements exist on this tract</i>

Evaluation		Neutral	Criteria (LDC 1.5.1.5)
Consistent	Inconsistent		
	X		<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified.</p> <p><i>The current use, as a residence, is consistent, and some of proposed development standards would be similar to what is currently required; However, the proposed district would permit uses and a density that would not be appropriate in the immediate area; 40 units/acre are allowed under VMU versus 5.5 units/acre allowed under SF-6 and MU.</i></p>
		X	<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
	X		<p>Other factors which substantially affect the public health, safety, morals, or general welfare.</p> <p><i>The current use, as a residence, is unlikely to have a greater impact on surrounding properties. However, the proposed rezone increases the possibility of negative impacts on the area. The intent of Vertical Mixed Use is to encourage a mix of uses and the building doesn't truly reflect that. VMU was not intended to convert properties to exclusively commercial or multi-family use.</i></p>

Staff finds that while the request is inconsistent with some of the policies in the Master Plan and may have a negative impact on the area should the site be redeveloped. Staff is therefore recommending denial based on the following findings:

- Uses allowed by right or by the granting of a Conditional Use Permit may significantly impact the established residential neighborhood
- The request is inconsistent with the Future Land Use Map designation.

Planning Department Recommendation:	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative – Public Hearing only
<input checked="" type="checkbox"/>	Denial

### The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the “fit” of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan’s Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Alison Brake	Planner	January 4, 2012
Name	Title	Date



# Land Use Map Amendment LUA-11-24

## Casey Development (North Campus Housing)



### Administrative Summary:

**Applicant:** ETR Development Consulting  
401 Dryden Lane  
Buda TX 78610

**Property Owner:** Darren Casey Interest, Inc  
814 Arion Parkway, Ste. 200  
San Antonio, Texas 78216

**Notification:** Public hearing notification mailed on November 10, 2011 and signs posted on November 12, 2011.

**Response:** Mailed comments - included

### Property/Area Profile:

**Legal Description:** 14.228 acres of land, more or less, consisting of 7.826 acres, more or less, out of the Park Addition, including Lots 36, 37, 38, 54, 57, 58, 53, 55, 56, 59, 60, 61, 62, part of Lots 63, 41, 50, 51, part of Lots 42, 43, 44 and 52, and part of Lots 39 and 40, 4.216 acres, more or less, out of the Thomas J. Chambers Survey, Abstract 2, Tract 232, and 2.186 acres, more or less, of existing public rights-of-way

**Location:** Sessom Drive at Loquat Street

**Existing Use of Property:** Single-Family Residential

**Proposed Use of Property:** Mixed Use & Multi-family residential

**Existing Future Land Use Map:** Low Density Residential (LDR)

**Proposed Future Land Use Map:** Mixed Use (MU)

**Existing Zoning:** Single-Family Residential (SF-6)

**Proposed Zoning:** Mixed Use (MU) Base Zoning with a PDD Overlay

**Utility Capacity:** Adequate

**Sector:** Three

**Area Zoning and Land Use Pattern:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>N Property of</b>	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential
<b>S Property of</b>	P/Public	Texas State University	Public & Institutional
<b>E Property of</b>	SF-6/Duplex/Townhouse	Single and multifamily residential	Low density residential
<b>W Property of</b>	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential

**Update for January 10 Hearing**

Please see the Zoning Change and PDD staff report for updates on this request. There have been no changes to the Land Use Amendment portion of the request.

**Update for December 13 Hearing**

Please see the Zoning Change and PDD staff report for updates on this request. There have been no changes to the Land Use Amendment portion of the request.

**Planning Department Analysis**

**The applicant is requesting a Land Use Map Amendment change for 13.51 acres, more or less, from Low Density Residential (LDR) to Mixed Use (MU).**

The subject property is 13.51 acres, with frontage on Loquat and Sessom Streets, Peachtree Street, Canyon Road, and Canyon Fork. It is comprised of a total of nine parcels, and is located immediately north of Texas State University. This current request is being processed together with a Zoning Change request, to change the zoning designation from Single Family Residential (SF-6) to Mixed Use (MU), and a Planned Development District Overlay (PDD).

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ.

Staff has evaluated the request for consistency with the Horizons Master Plan:

<b>Consistent</b>	<b>Neutral</b>	<b>Inconsistent</b>	<b>Horizons Master Plan Policy Statement</b>
		<b>X</b>	<p><b>Policy LU-1.21:</b> The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comment: Existing city utilities are in place to serve this property. However, both the waterline and nearby intersections will be inadequate to serve the project. Improvements to the waterline and to the intersections are planned as part of the overall project, so they may sufficiently serve the project and adjoining areas.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
		X	<p><b>Policy LU-3.1:</b> The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.</p> <p><i>Comment: A Future Land Use Map Amendment request has been filed. However, this section of the City is becoming more dense, to serve the student population closer to Texas State University. Increased density and proximity to uses and services can foster increased walkability, thereby relieving traffic pressures on area roads.</i></p>
X			<p><b>Policy LU-3.2:</b> The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change will provide the opportunity for additional housing opportunities.</i></p>
X			<p><b>Policy LU-3.14:</b> The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.</p>
X			<p><b>Policy LU-4.1:</b> The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is property buffered and adequately served by roads and public utilities.</p> <p><i>Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.</i></p>
X			<p><b>Policy LU-4.2:</b> The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.</p> <p><i>Comment: This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.</i></p>
X			<p><b>Policy LU-4.3:</b> The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p>
X			<p><b>Policy LU-4.4:</b> The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.</p>

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.
X			"Neighborhood friendly" development mitigating negative impacts of higher intensity uses

Consistent	Neutral	Inconsistent	Sector 3 Plan Sector Goals
X			Preserve & enhance visual character through variety of design requirements
X			Preserved & enhanced visual character through variety of design requirements
X			Improved open space and recreational opportunities

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector Three Plan and recommends approval.

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

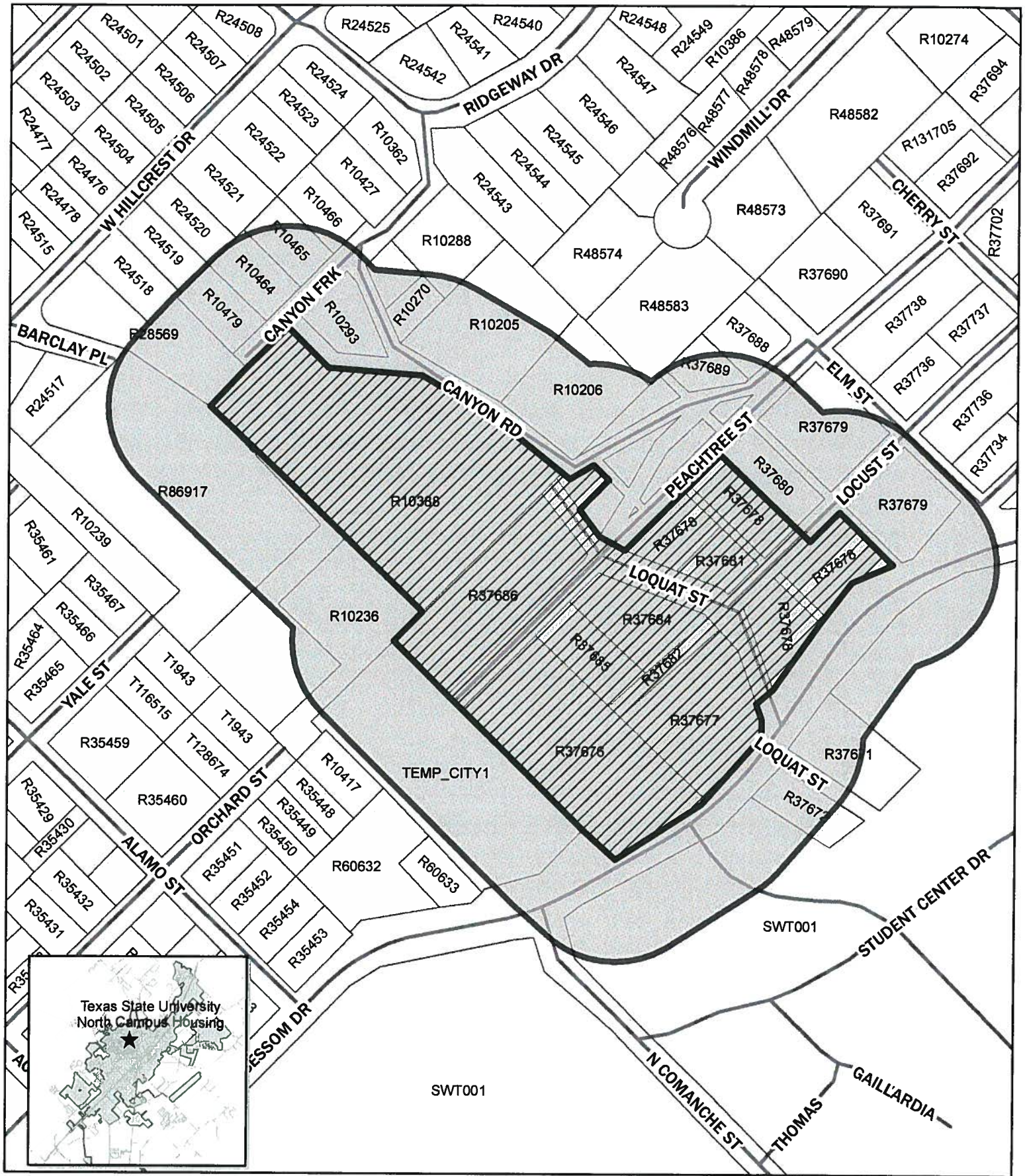
Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

Christine Barton-Holmes, LEED AP  
Name Title

Chief Planner

January 5, 2012  
Date



**LUA-11-24**  
**ZC-11-38**  
**PDD-11-12**  
**North Campus Housing**  
**Map Date 11/18/11**

- Notification Buffer (200 feet)
- Site Location
- Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**PDD-11-12/ZC-11-38**  
**Planned Development District**  
**Zoning Change**  
**Casey Development**  
**(North Campus Housing)**  
**Administrative Summary:**



**Applicant:** ETR Development Consulting  
401 Dryden Lane  
Buda TX 78610

**Property Owner:** Darren Casey Interest, Inc  
814 Arion Parkway, Ste. 200  
San Antonio, Texas 78216

**Notification:** Public hearing notification mailed on November 10, 2011 and signs posted on November 12, 2011.

**Response:** Mailed comments - included

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**Location:** Sessom Drive at Loquat Street

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**Proposed Use of Property:** Mixed Use & Multi-family residential

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**Proposed Future Land Use Map:** Mixed Use (MU)

**Existing Zoning:** Single-Family Residential (SF-6)

**Proposed Zoning:** Mixed Use (MU) Base Zoning with a PDD Overlay

**Utility Capacity:** Adequate

**Sector:** Three

**Area Zoning and Land Use Pattern:**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>
<b>N of Property</b>	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential
<b>S of Property</b>	P/Public	Texas State University	Public & Institutional
<b>E of Property</b>	SF-6/Duplex/Townhouse	Single and multifamily residential	Low density residential
<b>W of Property</b>	SF-6/Single-Family Residential	Single-Family Residential	Low Density Residential

**Updates for the January 10 Hearing**

This item was sent back to the Planning and Zoning Commission for review by the City Council on December 14, 2011, following a lack of action at the December 13, 2011 Commission hearing. The applicant submitted a revised PDD, incorporating numerous staff suggestions, on January 3<sup>rd</sup>, 2012. Changes made in the revised PDD include the following:

- An increase in units from 419 to 420, and a reduction in retail square footage from 20,000 square feet to 17,000. The total number of bedrooms is 1008, creating an average unit size of 2.4 bedrooms. The developer has indicated they are primarily one and two-bedroom units with some four-bedroom units.
- A designated Pedestrian Crossing at Sessom Drive and Comanche, which will include signalization, reflective markers, signage, and additional lighting.
- Updates and additions in the Environmental & Water Quality Standards section, including:
  - Provision to reduce the project size and scope if the 85% TSS removal cannot be achieved under the current Concept Plan
  - Additional sedimentation controls such as slope stabilization and protection, inlet protection, water flow mitigation measures when groundwater is above bedding material, and rock berms with vegetative bales, in addition to measures already included
  - Prohibition of discharge of sediment to Sessom Creek, with the contractor responsible for all clean-up should any discharge occur
  - A full geotechnical report, prepared by a licensed third-party geotechnical engineer, to be provided to the City and approved by the City prior to the issuance of any permits
  - The report will include construction sequencing and detailed means and methods for drainage and erosion/sedimentation control measures to be implemented during construction
  - The report shall also provide for erosion and sedimentation controls to be monitored at all times during construction, with inspection done by a licensed third-party engineering inspector and reports to be delivered to the City

Staff has reviewed the Traffic Impact Analysis, and made several comments. A revised TIA was submitted on December 14<sup>th</sup>, in response to staff comments, and staff is continuing to work with the applicant on refinements.

In-creek detention has been removed from consideration. This will also remove the commitment to detaining a 100-year flood event; however, the site must still meet City requirements to detain a 25-year event.

## **Updates for the December 13 Hearing**

The applicant submitted a revised PDD, dated December 5<sup>th</sup>, 2011. Changes made in the revised PDD include the following:

- Project name change from Texas State University North Campus Housing to Casey Development – Sessom Drive Multifamily
- Increase in residential parking to meet LDC requirements
- Bicycle and pedestrian access over the detention pond to the parkland, to provide access from the neighborhood and parkland to the proposed development
- Commitment in the PDD document to detention for the 2-year, 25-year and 100-year storm event
- Commitment to construction of sedimentation and erosion controls prior to any other earthwork, and the use of three methods of sedimentation and erosion control during construction
- Use of local contractors and suppliers, and limits on construction activity
- A reduction in maximum height from seven stories to six, including the parking garage
- Solar-powered bus shelter on-site, and a minimum of two electric vehicle charging stations
- Designated pedestrian crossing areas with barriers

Additionally, staff has asked for clarification on Low Impact Development practices to be implemented; access to the parkland, including handicapped access and parking; and use of pervious materials in the plaza and surface parking areas. The applicant and staff are continuing to work on revisions and improvements to the Watershed Protection Plan, including implementing Low Impact Development methods and sedimentation and erosion controls. The Traffic Impact Analysis was submitted on December 5<sup>th</sup>, and has been given a preliminary review by staff.

Between the November 22<sup>nd</sup> hearing and the December 13<sup>th</sup> hearing, staff, the developers, and neighbors have met several times to discuss concerns and ideas for the project. Some of the concerns raised by residents in these meetings included tree removal; runoff in Sessom Creek and the San Marcos River; and impacts on traffic; impacts on the adjoining neighborhoods.

The intent of a Planned Development District is to provide a project that exceeds the requirements of the LDC. This is particularly important in an area that is ecologically sensitive, has topographical features, or is infill development. Development must be offset by mitigation. In this instance, fully one-third of the site will be dedicated as parkland, with public access provided. There are also numerous measures which will help limit runoff during and after construction, including a commitment to remove 85% of all Total Suspended Solids.

While impacts on traffic and adjacent neighborhoods are inevitable for any project, particularly during construction, there are several elements in the PDD document that go above and beyond City requirements, particularly those related to stormwater quantity and quality that will help mitigate negative impacts, and material requirements designed to lessen the buildings' use of water and energy. The applicant is currently working with staff engineers to determine whether in-stream detention with the capacity to hold a 100-year flood event, or out-of-stream detention with a 25-year flood event capacity will have the least amount of environmental impact. The final detention method will be determined prior to platting. The LDC requires detention for a 25-year flood event.

The applicant has also committed to improving roadway intersections that will be most impacted by the project, bringing them up to an acceptable level of service. One intersection improvement will be done as part of the overall development, and the other is already in the City's Capital Improvements Plan, but is several years away and will be completed early as a result of this project. While the project is intended to encourage pedestrian and bicycle transportation particularly to campus, the intersection improvements planned are based on the full potential number of residents and visitors to the site. The Legal Department recommends that the overall zoning for the site will take effect, if approved, once the abandonments have been approved.

## **Project overview**

The Casey Sessom Drive Development is proposed to be developed as a 420-unit mixed use development that incorporates underground and surface parking, ground floor retail, and up to five stories of loft apartments above. The project site is located across Sessom Drive from Texas State University, on a site that is heavily wooded, and characterized by steep slopes and single-family residential structures. There are commercial and service uses located to the northwest at the intersection of Old RR 12 and Holland Drive, and south at the intersection of Sessom Drive and North LBJ. The project is proposing to add approximately 17,000 square feet of retail space, which would serve the proposed residential area as well as surrounding residences both on campus and off.

The project is proposing the partial abandonment of Loquat Street and interior platted but undeveloped rights-of-way. Currently, although the City's GIS does not indicate it, Loquat Street provides a connection between Sessom Drive and Holland Drive. Street abandonment requires the filing of an Alley/Street Abandonment Application and public hearings before the Planning & Zoning Commission and the City Council. The total acreage of rights-of-way proposed to be vacated is 2.275 acres. The overall site will be replatted prior to development.

#### **Density**

- The applicant is requesting a density of 29.52 units an acre (70 bedrooms an acre) rather than the 5.5 units per acre allowed as part of the Mixed Use zoning district. This is comparable or less than similar projects nearby, such as the Chestnut Street Lofts.

#### **Site Improvements**

- The applicant is requesting a maximum gross impervious cover of 60% as allowed in the Mixed Use zoning district. This includes the area to be designated open space. The net impervious cover is proposed to be 85%.

#### **Environmental and Water Quality**

- The development will provide 85% TSS removal. This is a standard that is not currently required by the Land Development Code.

#### **Parking**

- The applicant is providing parking at the rate of 1.05 spaces per bedroom, at the rate required by the LDC plus one space per 400 square feet of retail, for a total of 1101 spaces provided. Retail parking is provided at a level slightly below that required by the LDC. The LDC requires 1 space/250 square feet for retail; 1/300 sf for office; and 1/100 sf or 1 space per 4 seats, whichever is less, for restaurants. A mix of uses will likely be provided at the site, and will attract pedestrian traffic from the university as well as from on-site, mitigating the need for parking.
- The development will provide bike parking equivalent to a minimum of 10% of required bicycle parking.
- Two Electric Vehicle (EV) charging stations will be located on site for general public use, and a bus shelter will be provided.

#### **Tree Preservation**

- The development will mitigate protected trees at a rate of 1 caliper inch replaced for every 1 caliper inch removed, and specimen trees at a rate of 2 caliper inches replaced for every one caliper inch removed. Because the site is heavily wooded, extensive tree removal around the building site is anticipated. The applicant has indicated in the PDD document that tree mitigation may occur off-site once the site is fully mitigated.
- While the front section of the site, which will be developed, will have virtually all trees removed, the rear portion of the site will remain untouched.

#### **Street Abandonment**

- As part of the overall development, the applicant is proposing to abandon several rights-of-ways and alleys within the project parameters. Loquat Street, Locust Street, Peachtree Street and two alleys, totaling 2.275 acres, are included. This would prevent access from Holland Street through Loquat Street onto Sessom Drive, which would mitigate the impact of a multifamily residential project on adjoining residences. The only access to the project would be from two entrances on Sessom Drive. One entrance would utilize the existing curb cut of Loquat Street, and the other would be new. The abandonment process will be initiated shortly, and once the rights-of-way have gone through the review and assessment process, they will take on the same zoning as the surrounding parcels by right. No additional zoning will be necessary for the rights-of-way.

### **Parks Advisory Board Recommendation**

The proposed development will consist of 420 units with approximately 17,000 square feet of retail uses and clubhouse area serving residents. The developer is proposing to dedicate approximately 4.51 acres of land for parkland purposes. The proposed parkland is located northwest of the project and would be bounded by Canyon Fork, Canyon Road. The proposed parkland dedication would add to the Sessom Creek Greenbelt and create a higher degree of connectivity between parks. Originally, 564 units were proposed, and the proposed parkland was approximately 1.41 acres short of the required 5.92 acres required by the Land Development Code. This was reduced to the current 420 units, and the proposed dedication exceeds the requirements of the Code. 4.41 acres is the required dedication amount for 420 units.

**On October 25, 2011 the Parks Advisory Board recommended the approval of the parkland dedication.**

### **ZC-11-38/LUA-11-24**

The subject property is 14.328 acres, with frontage on Loquat and Sessom Streets, Peachtree Street, Canyon Road, and Canyon Fork. It is comprised of a total of nine parcels, and is located immediately north of Texas State University. The rezone request is to change the zoning designation from Single Family Residential (SF-6) to Mixed Use (MU), with a Planned Development District Overlay (PDD), and is being processed together with a Land Use Amendment request to change the Land Use designation from Low-Density Residential to Medium-Density Residential.

Adjacent uses include Texas State University to the south, and a mix of housing, predominantly single-family, to the north, east and west. Similar uses to the proposed are in development less than a quarter of a mile away, along Chestnut Street and North LBJ.

### **Planning Department Analysis:**

The subject property is located on Sessom Drive, in an area that is predominantly residential to the west, and directly across Sessom Drive from Texas State University to the east. There are commercial services to the northwest, and internal to campus, but not within this immediate area. The proposed project would bring concentrated residential density as well as commercial amenities to the area. Sessom Drive is not pedestrian-friendly in this location; the proposed development would include sidewalks which will enhance walkability and pedestrian safety.

While the project would bring greater residential and commercial density into an area that is currently predominantly single-family residential, it would be similar in scale to the student housing currently under construction, across Sessom Drive on the Texas State University Campus. It would also bring amenities within walking distance, to an area that currently has few amenities residents can walk to. This in turn has the potential to reduce the number of vehicles on Sessom Drive.

As is evident in the number of rezoning requests that the Planning and Zoning Commission has seen in this sector of the City more and more developers are seeking to redevelop or develop for the first time

sites within walking distance to campus. This sector of the City is currently experiencing a transition from what was once a mixture of residential uses to multi-family development. While staff believes that this request sets a good example for redevelopment within this area it is important for the Planning and Zoning Commission to discuss the long range benefits and challenges associated with increased density in this area.

### **Conformance with Sector and Master Plan Goals**

The request for a PDD supports the following Sector 3 Goals:

- “Walkable” pedestrian-friendly neighborhoods
- Traffic calming to reduce “cut-through” traffic
- Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety.
- “Neighborhood friendly” development mitigating negative impacts on higher intensity uses.

The request supports the following Master Plan Goals:

- **Policy LU 4.2-** The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.
- **Policy LU-4.3:** The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.
- **Policy LU- 6.8:** The City shall recognize that commercial and residential uses are not generally compatible and will discourage residential usage of land in commercial districts except where residential uses are planned as part of a mixed use concept.
- **Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities.

**Staff is recommending APPROVAL of the request with the following conditions:**

- Determine whether on-site or off-site detention will be permitted by the Parks Board
- Provide a performance bond or similar measure to ensure construction phase erosion control will be fully supported, and that any necessary clean-ups are the responsibility of the contractor

### **The Commission's Responsibility:**

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the “fit” of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted
<input checked="" type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Public Hearing only
<input type="checkbox"/>	Denial

Prepared by:

Christine Barton-Holmes, LEED AP

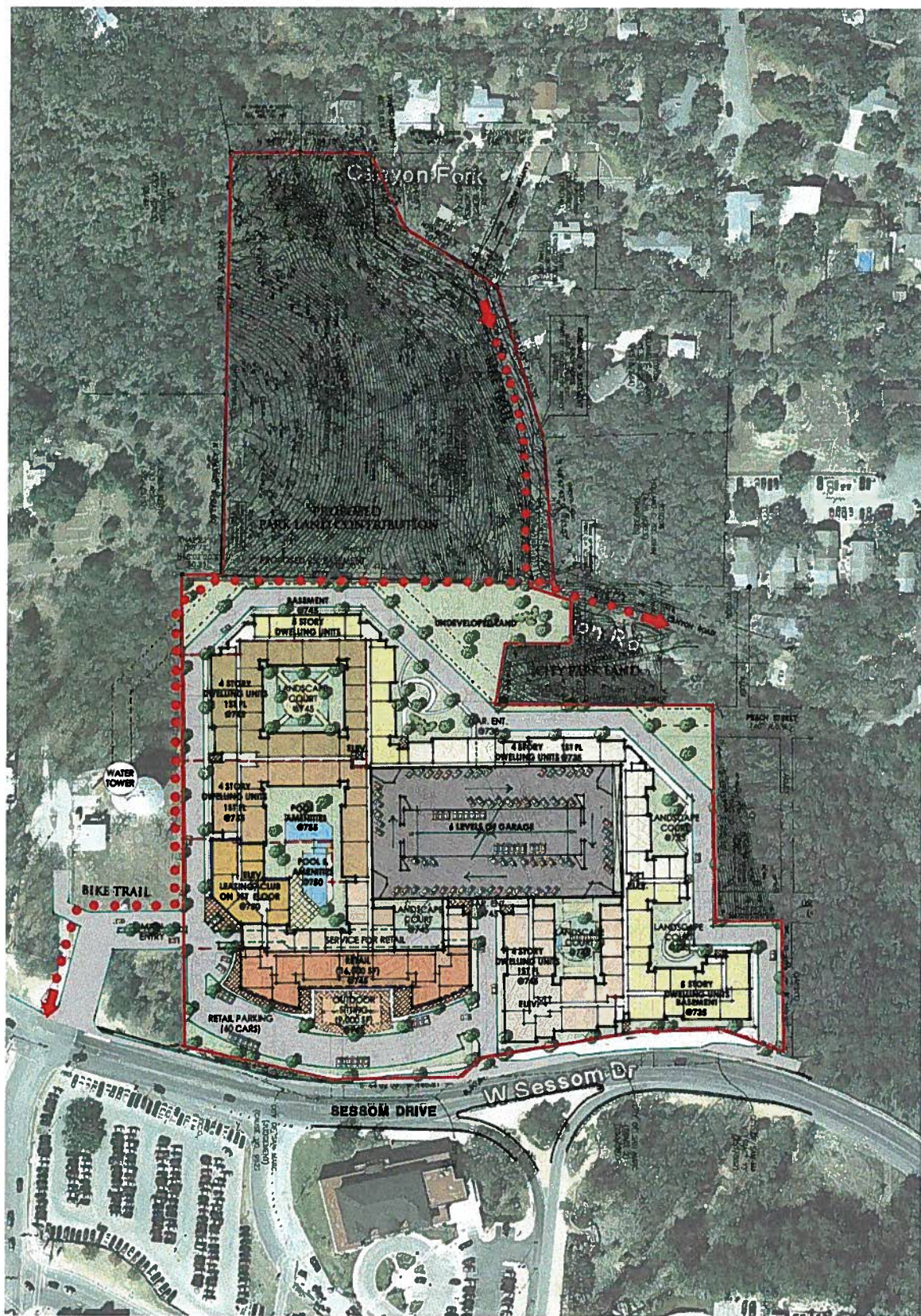
Chief Planner

January 4, 2012

Name

Title

Date



**CASEY DEVELOPMENT – SESSOM DRIVE MULTI-FAMILY COMMUNITY**  
**SAN MARCOS, TX**

**SAN MARCOS, TX**



# 11180  
01.05.2012  
Casey Development

## Casey Development at Loquat & Sessom Analysis

### PDD comparison with the LDC

	<b>SF-6</b>	<b>Mixed Use</b>	<b>PDD</b>
<b>Density</b>	5.5 units per acre gross	5.5 units per acre gross	30 units per acre gross
<b>Impervious Cover</b>	50%	60%	60% gross/85% net
<b>Parking</b>	2 spaces per unit	Depends on use(s)	1.05 spaces per bedroom/1 space per 400 sf of retail
<b>Building Height</b>	2 stories	30 feet	5 stories
<b>Setbacks – front/side/corner/rear</b>	25' front/5' side/15' corner/20' rear	25' front/7.5' side/15' corner/5' rear	0' front/5' side/15' corner/5' rear
<b>Drainage</b>	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event	Runoff shall be equal or less after construction compared to before construction; drainage shall handle a 25-year storm event. Drainage and detention shall utilize Low Impact Development methods
<b>Total Suspended Solids Removal</b>	No requirement	No requirement	85% removal
<b>Landscaping</b>	2 large shade trees, two ornamental trees, 4 evergreen shrubs & 8 small shrubs per lot	Minimum 20% landscaped area, with 1 tree & 3 5-gallon shrubs every 1000 sf. Minimum of 2 large trees per lot	Minimum 20% landscaped area, with 1 tree & 3 5-gallon shrubs every 1000 sf. Minimum of 2 large trees per lot Trees will be planted to reduce wind and heat island effect
<b>Tree Preservation</b>	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in building footprint that are approved to be removed shall be replaced on site at a	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in building footprint that are approved to be removed shall be	Trees over 9" in caliper, less than 24" within footprint of building not required to be replaced; trees over 9" but less than 24" that are not w/in building  Specimen trees shall

	ratio of 2.5 trees for every tree removed. Specimen trees (larger than 24") are required to be replaced caliper-for-caliper	replaced on site at a ratio of 2.5 trees for every tree removed. Specimen trees (larger than 24") are required to be replaced caliper-for-caliper	be replaced at a rate of two caliper inches for one caliper inch, protected trees shall be replaced at a rate of 1:1 caliper inch
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### Concerns & clarifications

Concerns	Clarifications
The site is home to the Golden-Cheeked Warbler	While the Warbler may feed and perch at the site, the site is not habitat for the Warbler <sup>1</sup>
Construction and the resulting buildings and parking lot will fill Sessom Creek and the San Marcos River with sediment	The amount of sediment can be greatly reduced due to the controls the applicant will put into place. These include three silt walls, and staggered construction with the detention pond being built first, retaining walls second, then streets, and finally grading. Flow and sedimentation will be controlled through a series of Low Impact and Traditional methods. No construction is entirely risk-free, but it can be greatly mitigated.
Erosion is inevitable	Erosion can be mitigated by constructing the permanent retaining wall prior to any other elements, and by maintaining tree root systems as earthwork is done
All of the trees will be removed	Tree removal will occur at the construction site, however the rear of the site, 4.5 acres, will remain untouched.
Everyone will drive	From a study by the National Personal Transportation Survey, doubling densities can reduce car use (vehicle miles travelled) by up to 38% <sup>2</sup> , provided there are amenities & jobs to walk to
None of the projects going up nearby are factored into the traffic analyses <ul style="list-style-type: none"> <li>- Chestnut Street Lofts</li> <li>- Peachtree Lofts</li> <li>- Hillside Ranch</li> <li>- The Retreat</li> </ul>	The specific projects are not included, because they will not be completed. However, all of them have done their own TIAs, which factor in the City's growth rate as well as each project's unit count. The City has asked the developer of this project to include traffic information for nearby projects in their revised TIA. Additionally, the City is revisiting its methodology in determining growth rates for TIAs.

<sup>1</sup> Information from City staff

<sup>2</sup> *Apartment Complex Study*, Greater San Marcos Economic Development Corporation, 2010

There are empty apartments all over the city	Based on an occupancy study done by Greater San Marcos in 2010, the occupancy rate is consistently above 90% for all types of residential leases, and as high as 98% for unfurnished typical leases <sup>3</sup>
This is spot zoning	Spot zoning typically refers to rezoning very small parcels of land to uses that are not compatible to surrounding uses. Residential uses are generally not considered incompatible with other residential uses or mixed uses
This will negatively impact property values	Based on studies by the NAHB, the Census and HUD, houses near other single-family houses appreciate at a rate of 2.66% annually, while houses near mid-rise multifamily appreciate at a rate of 2.79% annually <sup>4</sup>
Traffic will be worse than it is now	The TIA submitted by the applicant studied five intersections adjacent to the project. Of the 5, 2 are considered failing. The developer will improve the intersection at Sessom & Comanche, and will also improve the intersection at Sessom & Aquarena. The latter is a City project, but will be completed early by the developer to accommodate the additional traffic. The improvements made will bring both intersections up to an acceptable level of service.
This project does not follow the recommendations of the Horizons Master Plan or the Sector Three Plan	Please see attached chart
This project has not followed the timelines for public process and is moving too fast	Please see attached calendar

### Calendar & Public Hearing Process

Casey Project	Public Hearing Process Required by State Law
TIA worksheet & Application Submitted = October 11 <sup>th</sup>	Application submitted by October 11 deadline for November 8 hearing
Application Routed for Review= October 17 <sup>th</sup>	
TIA conversation begins = October 21 <sup>st</sup>	
Comments Issued to applicant= October 24 <sup>th</sup>	
Meeting with applicant to discuss comments = October 24 <sup>th</sup>	
Meeting moved to November 22 <sup>nd</sup> to allow	

<sup>3</sup> Robert Dunphy and Kimberly Fisher, "Transportation, Congestion, and Density: New Insights," *Transportation Research Record*, 1996

<sup>4</sup> NAHB data in *American Housing Survey*, 1997 & 1999, Census data & HUD data 1997 & 1999

additional review time	
Parks Advisory Board review of parkland dedication= October 25 <sup>th</sup> (next available Parks Meeting)	
Notice sent to adjoining properties = November 10	Notice sent and signs posted ten days prior to hearing
Signs posted for public hearing = November 12	
Revised PDD submitted for review = November 15 <sup>th</sup> (reflects staff comments to date)	
Re-revised PDD submitted for review = November 18 <sup>th</sup> (reflects additional stormwater/erosion protection measures)	
Planning and Zoning Commission Meeting (Public Hearing only) = earliest possible date November 22 <sup>nd</sup>	Public hearing before Planning & Zoning Commission (only one hearing is required before the Planning & Zoning Commission)
First City-facilitated Neighborhood Meeting = December 5 <sup>th</sup>	
TIA submitted for review = December 5 <sup>th</sup>	
Public comment at City Council Hearing = December 6 <sup>th</sup>	
Revised PDD submitted for review, P&Z Commission Packet = December 7 <sup>th</sup>	
Second City-facilitated Neighborhood Meeting = December 7 <sup>th</sup>	
Planning and Zoning Commission Meeting (Action only) = earliest possible date December 13 <sup>th</sup>	Heard – no motion.
City Council Public Hearing= earliest possible date December 14 <sup>th</sup>	First Public hearing before City Council. Postponed until recommendation from Commission is received.
Planning & Zoning Commission Meeting – Action only	January 10, 2012
City Council Public Hearing	January 17, 2012
City Council Reconsideration	February 7, 2012
Additional meetings held by the developer = 4	

## Horizons Master Plan and Sector Three Plan

### Horizons Master Plan Policy Statement

**Policy LU-1.21:** The City shall encourage new development to locate in areas already served by utilities and other community facilities.

*Comment: Existing city utilities are in place to serve this property.*

**Policy LU-3.1:** The City shall develop the residential areas of San Marcos according to the Future Land Use Plan so that future growth can be accommodated, a mixture of housing types and densities can be provided, and adverse impacts from traffic, environmental hazards and incompatible land uses can be avoided.

*Comment: This section of the City is becoming more dense, to serve the student population closer to Texas State University. Increased density and proximity to uses and services can foster increased walkability, thereby relieving traffic pressures on area roads.*

**Policy LU-3.2:** The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.

*Comment: The proposed change will provide the opportunity for additional housing opportunities.*

**Policy LU-3.14:** The City shall discourage any type of multifamily or single family residential development in such concentrations and expanses that, by accepted planning standards, there are not sufficient amenities to support such development and the quality of life in the area would be diminished.

*Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.*

**Policy LU-4.1:** The City shall determine the need for multi-family dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities.

*Comment: The surrounding area is characterized by a mix of multifamily, single-family, and commercial uses. The proposed project will be compatible with all surrounding land uses.*

**Policy LU-4.2:** The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion.

*Comment: This area is highly walkable, and there are several services and commercial uses within walking and biking distance, as well as the retail uses proposed within the project.*

**Policy LU-4.3:** The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.

**Policy LU-4.4:** The City shall require medium and high density residential developments to be located on larger sites to allow the property buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development.

**Policy LU-2.2:** The City shall regulate development and encourage suitable land uses over the Edwards Aquifer and adjacent to the San Marcos and Blanco Rivers

### **Horizons Master Plan Policy Statement**

**Policy LU-2.3:** The City shall strive on a continuing basis to purchase or otherwise set aside as much land as possible along the San Marcos River, Blanco River and creeks, especially that area within the 100-year floodplain, and develop that land as contiguous greenbelts

**Policy LU-2.12:** The City shall strive to protect the water quality in all rivers and creeks by reducing point and non-point pollution sources

**Policy LU-2.19:** The City shall continue and strengthen existing erosion and sedimentation control standards for all development.

**Policy LU-3.15:** The City shall encourage physical buffers, such as permanent open space, land uses that are transitional and unobtrusive, landscaping, fencing, or walls to be used, as appropriate, between residential and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired.

### **Sector 3 Plan Sector Goals**

Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety, and streets should not sacrifice safety of neighborhood residents for additional traffic and higher speeds.

"Walkable", pedestrian-friendly neighborhoods

"Neighborhood friendly" development mitigating negative impacts of higher intensity uses

Preserve & enhance visual character through variety of design requirements

Safe, well connected bicycling routes on all major streets

Traffic calming to reduce "cut-through" traffic

Improved internal circulation in new commercial development to prevent traffic problems common in "strip" commercial development

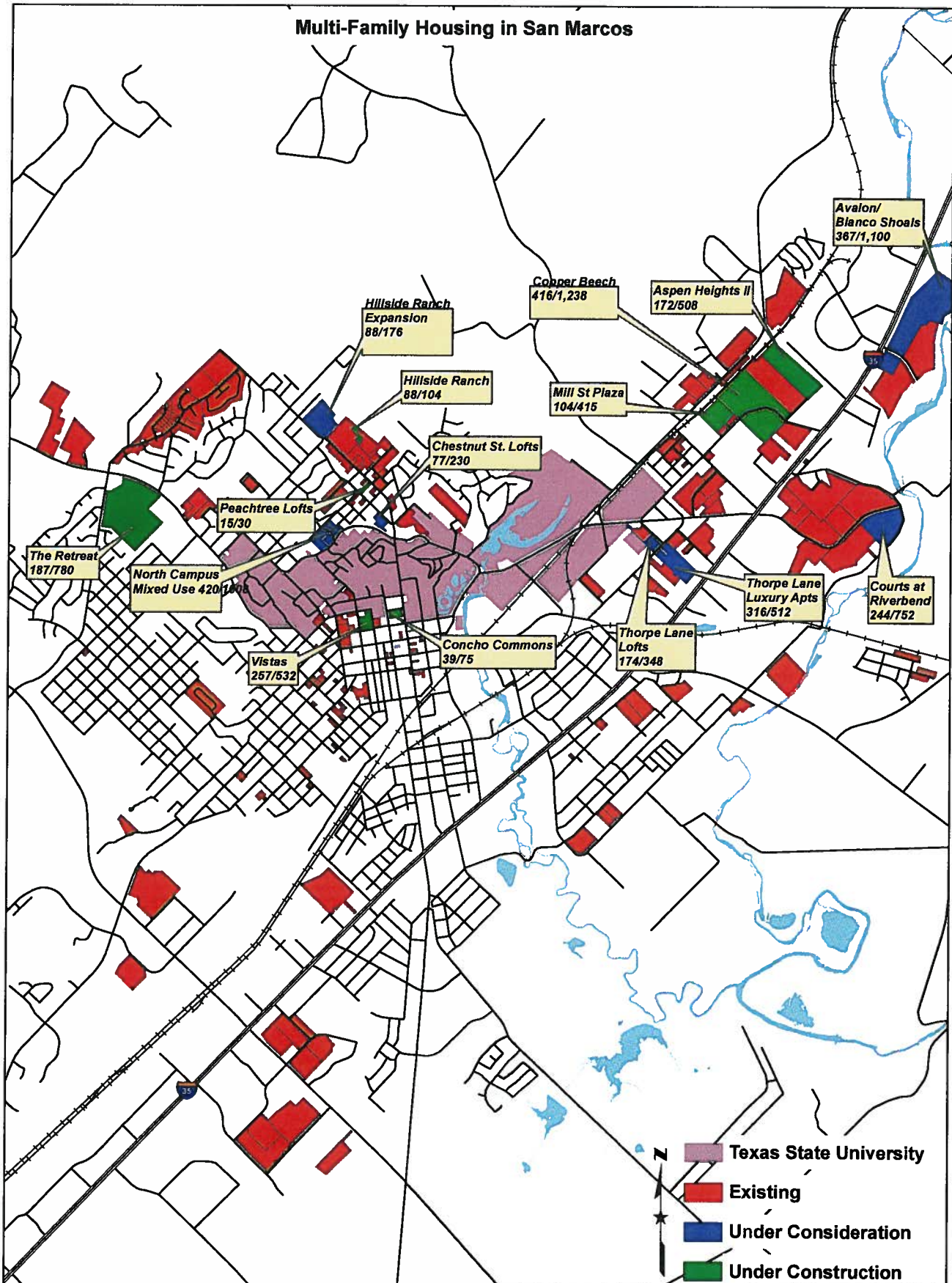
Establish bicycling routes on all major streets to connect neighborhoods with desirable locations

Promote interconnected street grids in future development

Promote high quality, attractive development along Craddock Avenue and Ranch Road 12 as community gateways

Improved open space and recreational opportunities

# Multi-Family Housing in San Marcos



**BUILT**=All complexes within City Limits over 4 units as well as duplexes on Sagewood and Craddock.  
**UNDER CONSTRUCTION**=Construction permit has been issued for project. Physical construction may or may not have started  
**UNDER CONSIDERATION**=A development application for a known, proposed project (pre or post entitlement) has been formally submitted to the City and is a valid application as of December 22, 2011

"This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of parcel and property boundaries."

Map Date: December 2011

Type	# Units	# Bedrooms
Existing	10,596	22,458*
Under Consideration	1,828*	3,876*
Under Construction	1,278	3,682

**Total** 14,062\* 30,016\*

\* Estimated

## Holmes, Christine

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**From:** Serna, Francis  
**Sent:** Thursday, January 05, 2012 10:33 AM  
**To:** Holmes, Christine  
**Subject:** FW: For P&Z Commissioners re Sessoms Creek

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**From:** Dianne Wassenich [mailto:wassenich@grandecom.net]  
**Sent:** Thursday, January 05, 2012 9:37 AM  
**To:** Planning Information  
**Subject:** For P&Z Commissioners re Sessoms Creek

Dear P&Z Commissioners:

You have already received the engineer's report that SMRF provided, re impacts of the proposed Casey development to Sessom Creek and the river. Let me know if you need another copy. Any questions you have about this report can be asked the night of your meeting (during your discussion if that is most convenient for you,) since SMRF will pay to have Dr. Lauren Ross attend your meeting Tuesday night January 10.

Please ask her anything that comes up in your deliberations, as Casey's engineers explain their project, so you can have a full understanding of the data or scientific studies used by Dr. Ross in her report to you on river impacts. If you want specific information in advance of the meeting, please let me know as soon as you can, and I will get additional data from her, to deliver to you as promptly as possible.

I will be traveling to a coastal water meeting (about keeping the rivers in our central Texas river basin flowing) on Sunday afternoon and will attend that meeting all day Monday, but will check email often, and cell is 512-787-6392.

SMRF believes that it is important that you recognize that this Casey project is similar to the conference center originally proposed for the land above Spring Lake. The conference center and huge hotel is a good project---now that it is in a suitable location with adequate roads and infrastructure to support it. The city commissioned a study during the spirited location discussion in the community, to determine what kinds of permits would be required to build the conference center and accompanying infrastructure in the area close to the springs. The report came to the conclusion that there would be long delays while permits would be applied for and discussed, perhaps years. So it stands to reason that the same kinds of delays and problems getting permits will happen with this project.

It all depends on whether US Fish & Wildlife Service and other agencies will adequately examine the risks to the head of the river, and the endangered species. We believe they should require an environmental impact study of the many projects now proposed to build near the head of the river, including this one, Hillside Ranch 2, Windemere, and also the railroad overpass near Spring Lake. Taking each project separately and declaring that no impact can be found on that individual project, is not dealing with the reality that all of this is happening at the same time. We believe these projects will have major impacts on the head of the river, as outlined in Dr. Ross's report.

As we've already explained to you and Council, a 1.2" rainfall event last May was measured by scientists Schwarz and Nowlin at the Rivers Center here at Texas State, and 1 ton of sediment was calculated to be deposited in the river via Sessom Creek in that small rainfall event. That is why we have a peninsula growing full sized trees now in the middle of the river at University Drive, and an island formed in Sewell Park, with spreading very deep mushy sediment even downstream of that area now. All of these peninsulas, islands and mushy sediment are smothering wild rice steadily each year. I am not hopeful about getting federal permits to remove sediment when we add more each time it rains.

Now that the Legislature has appropriated \$1 million to the Texas Rivers Center to study and measure our Spring Lake area, and two federal grants of hundreds of thousands of dollars have been received to work on the upper river's watershed, there is more and more data to support the concern that many of us have had for years about the river, Sessom Creek and Sink Creek, and their sediment load. Now is not the time to make the situation worse, just as we are evaluating solutions to the existing problems. These solutions will be expensive, if they are even feasible. Don't make it worse.

You on this important commission have the right to NOT rezone an area that was designated single family and low density. It was designated low density for the express purpose of protecting that watershed by those who worked on the master plan a decade ago. Ask Dr. Richard Earl and many others who attended those master plan meetings and served countless hours, because they thought future planners would listen to the wisdom of low density on sensitive watersheds. Ask Dr. Glenn Longley his thoughts. Please pay attention to that master plan: do not rezone. This decision tonight is the point at which you actually have the power to make a decision. Once you rezone, you have very limited authority to require what really needs to be built to protect the river—IF a structure could even be built that could accomplish that monumental task.

As Dr. Ross says, there will be great damage if this project is built there. The runoff volume will increase sharply, cutting away banks of the creek, and that will overshadow any suspended solids reduction from BMP's of the project. There will be more suspended solids in the river.

See you Tuesday night,  
Dianne Wassenich, San Marcos River Foundation

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Texas Comptroller's Gold Leadership Circle Award for Financial Transparency

## Holmes, Christine

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**From:** Serna, Francis  
**Sent:** Thursday, January 05, 2012 1:33 PM  
**To:** Holmes, Christine  
**Subject:** FW: 503 Loquat Street info for next Planning and Zoning Commision meeting on Jan. 10th

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**From:** Buck Scheib [mailto:buckscheib@hotmail.com]  
**Sent:** Thursday, January 05, 2012 12:17 PM  
**To:** Planning Information  
**Subject:** 503 Loquat Street info for next Planning and Zoning Commision meeting on Jan. 10th

I would like to submit the following for insertion to the packets for the planning and zoning commissioners next meeting on January 10th, thanks. Please call me at 396-3121 if you have any questions.

My name is Buck Scheib, and my family has lived at 503 Loquat Street for more than 60 years.

My property includes the 4.5 acres to become park land as part of the Casey Development – Sessoms Drive Multi-Family Development.

The entire project is just good for San Marcos. But I am especially pleased that most of my land will be dedicated to green space and will save what's left of Sessoms Canyon.

Home owners below us in Sessoms Canyon have chain sawed away most of the native plants and trees. They have done a poor job of protecting the natural beauty of Sessoms Canyon and creek.

Our land in the canyon has never been touched and offers an alternative as park space.

There are only four very old houses in our current Loquat neighborhood. Two homes are empty and the others need constant upkeep. This is a neighborhood waiting for change.

I hate to see San Marcos miss out on a good project that would provide upscale shops and housing. But worse, I hate to see San Marcos miss a chance to enjoy my property as a park.

This project will add additional tax revenue and green space locally.

Yet, I do have other options for my property, Thanks.

Buck Scheib

503 Loquat Street

San Marcos Tx 78666 (512)396-3121

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Texas Comptroller's Gold Leadership Circle Award for Financial Transparency

## Holmes, Christine

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**From:** Serna, Francis  
**Sent:** Tuesday, January 03, 2012 11:41 AM  
**To:** Holmes, Christine  
**Subject:** FW: Loquat opinion

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**From:** Maia Holmes [mailto:[maiaa.holmes@gmail.com](mailto:maiaa.holmes@gmail.com)]  
**Sent:** Tuesday, January 03, 2012 11:34 AM  
**To:** Planning Information  
**Subject:** Loquat opinion

Planning Commission,

I think the proposed development at Loquat that's been postponed really would do better over in the old Target development by 35 and the current Office Depot. It's away from the river, it's on the easterly side of town, closer to 35 which means the expensive retail the developer is proposing might actually do well there due to Austin/San Antonio traffic. The current proposed location is just irresponsible. That area should be maintained as a natural area to promote a healthy river and to act as a resbit for local fauna and flora...including students. If the area was turned over to the Greenbelt Alliance, students would have easy access to a natural place of solitude away from the stress of campus.

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### Maia A. Holmes

Texas State University - San Marcos  
Resource and Environmental Studies (B.S.)

[WaterAid @ Texas State University](#) - Founder/President  
Environmental Conservation Organization - Vice President  
Adventure Trip Program, GOAL Challenge Course - Staff  
Climbers Coalition of Texas State - Officer  
Texas State RockWall - Supervisor

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